
ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

FIFTEENTH CONGRESS.—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

FIFTEENTH CONGRESS—FIRST SESSION:
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MARCH, 1818.

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quiry. The powers delegated by it are restricted to the collection and application of the public revenue. Many, indeed the far greater part of the powers subsequently enumerated, require for their exercise no appropriation of money whatever. The very few which do require such auxiliary aid, are the most important of them all, as "to raise and support armies;" "to provide and maintain a navy;" and they involve the necessary exercise of many powers, which the mere authority to appropriate the public money does not comprehend. The latter furnishes but one means of attaining the common end of all the powers of Congress, the general welfare. It may be employed for this purpose either singly, or in conjunction with other powers, alike necessary to this primary and ultimate end of all Government.

The defect of the argument which I have sought to answer arises from a supposition that any construction of the clause in question, which extends its import beyond the power of levying taxes, asserts a title to every power whatever, tending in any degree to provide for the common defence and general welfare of the United States.

For myself, sir, I totally disavow any such construction. I ask for Congress but the authority, expressly delegated by this clause, to lay and collect taxes, and, when thus collected, so to apply them as to provide for the safety and welfare of the Union.

Far from being the unbounded authority at which so much alarm has been expressed, it carries along with it several obvious limitations. The end to be obtained by it must be one of common defence, or of general welfare; it must also be one which requires the appropriation of money; and Congress can then no further participate in its attainment, in virtue of this power, than by contributing towards it the public money.

It cannot be contended that this power is rendered unnecessary by that contained in the last clause of this section—"to make all laws which are necessary and proper for carrying into" effect the powers expressly delegated to Congress. The former is a primary and independent power; the latter but secondary, or auxiliary. Had the latter not been expressed, there can be no doubt (to use the language of *Publius*) "that it would have resulted to the Government by an unavoidable implication," as it did under the Articles of Confederation. It was inserted in the Federal Constitution to obviate, not to create, doubts. But, if deemed essential, this authority extends beyond that in question, and comprehends the power to pass other laws, as well as acts of appropriation. It suffices for my present purpose, while it also obviates an objection of one of my colleagues, (Mr. SMYTH,) that among those acts it expressly authorizes all such as are required for the exercise of the power contained in the clause which I have endeavored to expound. Both clauses resemble each other in one quality, which our adversaries seem to disregard: they were designed to enlarge, rather than to abridge (as is contended) the Constitutional powers of Congress.

A constitution of government—the offspring of mutual concession among a people jealous of their freedom, and divided into many distinct sovereignties, alike jealous of their authority—ought not to be construed as a treatise of political philosophy—the production of one scientific mind. We cannot be surprised at finding its language redundant in the delegation as well as the limitation of power. Of this, the particular section on which I have just commented affords several examples. The powers to provide and maintain fleets and armies are embraced in the more comprehensive authority to declare war, the power to borrow money, and in that of paying the debts of the nation. Yet, all these powers are separately and expressly delegated.

I claim no more, Mr. Chairman, in support of that for which I now contend, than that a power as expressly delegated as any of those which I have enumerated, shall not be subverted by any rule of construction whatever.

This power has been exercised from the very foundation of the Federal Government, not merely in the purchase of lands for a variety of purposes, more or less intimately connected with the convenience of the Government, or with the military defence and commercial prosperity of the United States. It has been substantially applied (as has been already remarked) to the encouragement of domestic manufactures, and (in a form less disguised) to the promotion of foreign emigration; the advancement of agriculture; the cultivation of science, literature, and taste; the diffusion of sentiments of patriotism, benevolence, and piety.

The ingenuity of our opponents has not condescended—and surely will not—to distinguish between the release of a debt due to the Treasury, and the appropriation of a sum already collected, in favor of an object of general welfare.

One of my colleagues (Mr. SMYTH) has consistently pushed his doctrine of construction to its proper extent. He has denied the constitutionality of the appropriations hitherto made to the Cumberland road, as well as that to the relief of the unfortunate sufferers of Venezuela. The same candor will extend this sentence of condemnation to all the pensions which have been granted, and to all the rewards of valor which have been bestowed by the Federal Government; not only to the whole tariff, but to the institutions in general, to the genius and character of the nation.

There remains, Mr. Chairman, one other clause of the Constitution, hitherto unnoticed in this debate, to which I beg leave to call the attention of the Committee, in support of the Constitutional authority for which I have last contended. The second clause of the third section of the sixth article confers on Congress a power not enumerated in the section over which we have just passed. It is, "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." The first branch of this authority was designed, as will appear from the context of the whole section, to enable the Federal Government

to regulate and dispose of its own territory, according to the suggestions of the wisdom of Congress; the second embraces a similar power over all other national property, and consequently over the surplus revenue to be found at any time within the public Treasury.

The obligation, as well as the power, of rendering productive such portion of the revenue as the public exigencies do not require, and as cannot without considerable loss be applied to the redemption of the public debts before they are due, is clearly deducible from this clause of the Constitution.

This surplus must otherwise lie idle in the public Treasury; a Treasury which, in fact, exists in contemplation of law. It must remain in the hands of collectors and the public officers, or be deposited in the vaults of some bank, and, in both cases, be exposed to all the hazard, without retaining the profit, of a loan.

Can it be questioned that such portion of the public money may be constitutionally applied to the purchase of the stock of a canal or turnpike company, as it had already been to the stock of a bank, under such rules and regulations as Congress may prescribe?

I do not contend, in virtue of this clause, for the power to establish a banking or any other chartered company; but for the simple authority to invest, by exchange, or sale, one species of property into another, for the public benefit.

If the imposition or continuance of public taxes, with a view to such an object, be deemed a measure of doubtful right or expediency, no such doubt can arise, as to such an application of the sum now proposed to be appropriated, or of the proceeds of the sales of public land, to which this section of the Constitution directly applies.

Although, under no Constitutional obligation to look beyond the profit which might attend any such application of the public money, Congress might, and undoubtedly would, blend with that consideration other objects of general advantage. As individual subscribers to the stock of all canal and turnpike companies usually extend their views, even in pursuit of profit, beyond the expected dividends upon their stock, to the beneficial end of its application; so the Government may often confidently anticipate a benefit, far surpassing in value any pecuniary profit on its stocks, from the success of a public work of general utility. In all such acquisitions of stock, it will regard the convenience and safety of the nation, and if the former has a price, the latter unquestionably has none.

This mode of applying the public money, to the structure of roads and canals, is liable to none of the objections urged by one of my colleagues (Mr. SMYTH) to the expediency of passing the resolutions before the Committee.

Indeed, when the general purport of the resolutions is considered, these objections must appear to himself premature, since they apply rather to the details of a system anticipated by him, than to the resolutions themselves, which merely pro-

pose to constitute a fund for internal improvement.

My colleague cannot deny the possibility of forming a system which shall combine individual sagacity, enterprise, and skill, with the national wealth, for the attainment of the far greater part, if not all the objects, upon which this power of appropriation would be exerted. He has not only beheld, but recently co-operated in the execution of such a system, in the State which we both represent. The characteristic feature of that system is, that to every public work, deemed by the legislature worthy of their patronage, and to which three-fifths of the stock necessary to complete it shall have been previously subscribed by private individuals, the State subscribes the remaining two-fifths, with a proviso that the total profit of the stock shall exclusively belong to the individual subscribers, until they shall have received legal interest upon all the sums which they may have advanced; after which the State participates with them in the dividends of the common stock. The subscription of the State operates as a moderate insurance against loss to private adventurers, who are expected to be attracted to all such enterprises, principally by the hope of gain; and is thus calculated to elicit the subscription of individual wealth to public use. While the State regards herself as amply remunerated for a temporary suspension of the interest on her share of the common stock, by the accomplishment of a public work, calculated to replace this interest at some future period, and to augment, in the interim, her wealth and population.

This system is not more susceptible of application to the circumstances of a single State, than of the United States. It would only be necessary, in order to extend the scale, to extend also the means of its application.

I would reluctantly appropriate any part of the public revenue to roads or canals, without that security for their judicious, faithful, and economical completion, which would be afforded by associating, in their original structure and subsequent preservation and repair, the cautious sagacity, persevering industry, and unceasing vigilance, of private interest; although I am not prepared to say that there are no works of this description to which I would not subscribe, from the public Treasury, a larger proportion than two-fifths of the stock necessary for their completion; or that there may not be some connected with the common defence, which would be cheaply provided for, at the sole cost of the Union. Two of my honorable colleagues, (Messrs. SMYTH and BARBOUR,) to whose arguments I have so often referred, sought to discourage the smaller States from yielding their support to the resolutions before us, by suggesting that, under any equitable distribution of the fund, which it is proposed to set apart for internal improvement, but a very inconsiderable allotment would fall to their share; while the other significantly asked, "if Massachusetts would give five millions of dollars to New York or Virginia?"

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Sir, the question whether Congress have the Constitutional power so to apply the public money, ought not to be decided by such considerations. Its decision may, indeed, but its truth cannot be affected, in the remotest degree, by the manner in which the power that we seek to sustain, may be hereafter exercised. If the smaller States will receive but little, they require less than those of larger dimensions; and it should satisfy their justice, that what they receive will be in the exact proportion of what they contribute to the common fund. The first suggestion of my colleague reduces the fund to the least sum proposed; the last swells it to millions.

I acknowledge that I most earnestly wish to see it augmented to an extent, much beyond the appropriation contemplated by the resolutions on our table. And when a proper occasion shall offer, I will submit a resolution which I hold in my hand, to enlarge it by adding the proceeds of sale of all the lands ceded to the Government of the United States by the Commonwealth of Virginia. The propriety of thus enlarging the proposed fund has been suggested to me, as well by the general policy of such an augmentation, as by the express terms of the Virginia act of cession, to which the United States were a party. There is, in this compact, a reservation of "all the ceded territory, as a common fund for the use and benefit of the several States, including Virginia, according to their respective proportions in the general charge and expenditures set forth in the Articles of Confederation," which would be found, on comparison, to correspond very nearly with that ratio of distribution, provided by the act of the last Congress creating a fund for internal improvement, to which the late President refused his assent.

The compact solemnly subjoins to this reservation, that "this fund shall be faithfully and bona fide disposed of for the purpose set forth, and for no other purpose whatever." The maxims of good faith, and a positive provision of the Federal Constitution, enjoin upon Congress the fulfilment of this stipulation; and no mode of giving effect to it would better accord with its letter and spirit, than a distribution of the fund among the several States, for the purposes proposed by the resolutions.

The sentiment, I know, Mr. Chairman, exists, and I regret that it does, that, if a fund be provided for internal improvement, it will be misapplied, to gratify local and sectional interests. An effectual security against such an abuse of power, would be created by a distribution of its annual revenue, in conformity with the proviso of the Virginia compact; and if the fund should be augmented to the extent which I have just proposed, such a division of it would not destroy its efficacy. It cannot be believed that there exists a single State in this Union, in which such a fund would not be required, or could not be judiciously applied. No part of America has yet reached a degree of improvement, which leaves its internal intercourse without a demand for an additional road or canal.

Although all the States, or even a majority of them, might not combine in devoting their respective shares of such a fund to one common object, yet some of them occasionally would, so as to obviate, in part, the chief inconvenience resulting from distribution.

Is it too much to suppose, that there exists throughout the United States a patriotism which would exult at the accomplishment of a connexion of the Lakes with the Hudson, by the means of the useful and noble work which New York has just commenced, or of that scarcely less important, though much less expensive connexion between the waters of the Ohio and the Chesapeake, which Virginia has so long contemplated?

To the smaller States, who are said to have least concern in the decision of this question, every new cement of an Union, essential, indeed, to the future prosperity and happiness of all its members, must be peculiarly interesting, since in any calamity, which might destroy this great bulwark of our common safety, they would be the greatest sufferers.

With regard to the general character of that power which we are now, I trust, about to exert, it must be universally acknowledged, that whatever tends to facilitate the necessary intercourse between the remote extremities and the common centre of so vast an empire, has the same propitious effect, as would result, were it otherwise practicable, from contracting the extent of its territory, without reducing its population, impairing its wealth, or narrowing its resources.

To the friends of American liberty, who justly regard the State governments as essential parts of a Republican system erected on a scale so extended as to constitute a cause of alarm, or who, with equal truth, consider our union as the bond alike of our independence and freedom, every measure which has the effect of diminishing the extent of the one, or of multiplying and strengthening the ties of the other, must be viewed with anxious solicitude.

For Virginia, so unhappily divided on this question, it should be enough to silence her objections, that, situated midway between the colonies of England and Spain, she constitutes the key of that expanded arch, which, stretching from North to South, binds the whole East in union, and sustains, upon its broad and lofty summit, our Western Empire.

Representing a district adjacent to the seat of the Government, I have personally, or in behalf of my immediate constituents, less interest in the decision of this question, than those gentlemen who come from the remote sections of the Union; but who can be insensible to the great purpose which should constantly animate all our labors; the preservation and improvement of that noble fabric of Government, under which it is alike our happiness and our glory to live?

Mr. BALDWIN followed on the same side, and spoke about three quarters of an hour in support of the resolutions.

Mr. TUCKER, of Virginia, said, that he felt himself imperiously called upon to submit to the

Committee his views on the Constitutional question involved in the resolutions under consideration. In opening this subject to the Committee, he had purposely avoided the discussion of the Constitutional point, as the report had submitted the views of the select committee, and a farther disquisition from him would have only led to uninteresting recapitulations of what had already been advanced. He had, therefore, determined patiently to wait till the opponents of the resolutions had developed their arguments, and then to ask the indulgence of the Committee. He did not wish to shrink from the duty which had fallen to his lot. He did not wish to be chargeable with (what could not fail to grate upon the feelings of any honorable man) quietly standing by, and permitting others to fight his battles. Yet, so powerful and overwhelming had been the remarks of the honorable gentleman from South Carolina, (Mr. LOWNDES,) that he had been disposed to leave the question to the decision of the Committee, upon the unanswerable argument of that gentleman. His friend from Virginia, (Mr. H. NELSON,) had, however, by the character of his observations, compelled him to relinquish this desirable retirement from the contest. In the conclusion of his remarks, he had said, that he felt himself called on to pay some attention "to this report from the pen of his colleague." Whilst I tender to the gentleman my thanks for his attentions, I cannot but regret the unfortunate pre-eminence which has, on this occasion, entitled me to receive them. I have before said, and still feel, that the duty imposed upon me is too weighty for my feeble strength, but, however nerveless my arm, I shall not hesitate to defend myself from the attack which has been made upon me.

Sir, the gentleman from Virginia has done me too much honor in associating me with those two able men, (the gentleman from South Carolina and the honorable Speaker,) in the modern triumvirate of which he has spoken. He has called us the triumvers of the times, and thus seems to compare us with the detested triumvirate of the Roman people. We are, doubtless, under great obligations to the gentleman for those high honors, which he so liberally bestows. It remains for us only to divide among ourselves this glorious spoil—to appropriate to each the character which belongs to him. In this partition, the great and commanding talents of my friends leaves to me the best title to the least obnoxious character. The fool Lepidus is not as detestable as the knavish Anthony, or the ambitious Cæsar.

But, sir, while the gentleman is so profuse in his compliments to us, he tells us of himself, that he is battling for the rights of the States, in this last struggle with the Federal Government. It is in this last of their fields that the liberties of the States are to be cloven down, and the Federal Government is to triumph over them. It is in this last field, that the gentleman represents himself as fighting their battles, with an almost desperate resolution. He is to be entitled, doubtless, to the distinguished appellation of the last of the Greeks, whilst he yields to us the bad eminence

of a triumvirate. If impassioned zeal and great ability, in this great cause, can give to him so enviable a title, it must be awarded to the gentleman. He never "bore himself better" in his days. I always hear him with pleasure—I always confess his powers—but, on this occasion he has surpassed any former exertion. How unfortunate that this zeal was not as uniform as it was warm; and that, on former occasions, the same heroic prowess had not been manifested in defence of the rights of the States!

The gentleman told us the other day, that the nation would be in sackcloth and ashes, if this proposition should be successful. To-day he tells us, that he retracts the remark. He now hopes that the nation will arise in its strength, and put down those who advocate these resolutions. He no longer wishes the groans of the nation to be heard; he hopes for their reprobation. For these groans I presume he would substitute their hisses. Sir, there is no man who can feel more sensibly than myself the disapprobation of those who have favored me with their confidence. The distinguished honor I have twice received from them, without solicitation, cannot fail to render me peculiarly solicitous to merit a continuance of their good opinion. But as, on this occasion, I am not only left (from the absence of all instructions) to follow the dictates of my conscience, but am bound by my oath to construe this Constitution according to my judgment, I cannot apprehend their censure in following my convictions. They know well, that the first and most important requisite in a Representative is independence of mind; and I trust I shall never cease to evince to them that I am not destitute of this qualification.

But, sir, whilst I cannot be insensible to the disapprobation of the wise and good, I beg leave to assure that gentleman, that retirement has no terrors for me. A seat in this House is not so highly prized, as to induce me to surrender the honest convictions of my judgment to preserve it. Nor am I more alarmed at the intimation of the gentleman, that the report of the committee conveys a censure of the Executive. I appeal to the candor of any man, who will peruse that paper, whether any of its pages contain an expression that can be tortured into such a construction. None such was intended. But why, he asks, this discrimination? Why has no similar objection been made to former messages? I am not responsible as to them—but the reason for a discrimination seems manifest. A former Congress has actually passed a bill embodying the principles of these resolutions. A former Executive rejected this bill. When, therefore, there existed a fair presumption, that the popular branch might again act upon the subject, when the Executive intimates the futility of such an attempt—and when the committee were desirous of pressing upon the consideration of the House the importance and propriety of renewing the effort, it became unavoidable to meet and remove the objection then intimated by the President. In doing this, the course which has been pursued

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is believed to have been respectful and decorous—whilst it did not compromise the dignity of this House.

The gentleman, sir, has accused his adversaries of inconsistency. He complains, that we are deserting the great principles of the Republicans in 1798, and subverting the acknowledged rights of the States, by a construction too latitudinous. Not content with a single intimation of this charge, he has made it the commencement and the conclusion of his address. He speaks of the "great battle fought" in the early times of the Constitution, when the champions of the States were Mr. Madison, the late President of the United States, and Mr. Gallatin—"not the Lord Chatham of the ministry, but the Mr. Pitt of the Commons House." And on what great occasion did this celebrated conflict take place? It was on the bank bill! On the question of the establishment of the first bank of the United States, which was vehemently opposed by those two great men, arose, as he tells us, the great division of parties in relation to the rights of the States and the Federal Government. It was then that the strict construction of the Constitution was contended for, and those principles established, in relation to its interpretation, the correctness of which is not now contested, though their application is the subject of litigation. Bearing, then, in our minds this fact, that the bank question was that to which the gentleman refers, as having tried the rights of the States, let us see how far the gentleman himself is entitled to the applause of consistency, in the uniform defence of his beloved State rights. Sir, I shall press this matter upon the gentleman with no unfriendly feeling. I shall put it to him in the same good-humored spirit which animated him in his attempt to furnish evidence of inconsistency against my friend from South Carolina. I know the gentleman's constitutional good humor too well, and have too long experienced his friendly dispositions towards myself, to suppose, that his remarks, in relation to me, were intended, even in the warmth of his zeal, to injure my feelings. I shall, therefore, maintain the same dispositions towards himself. But, before I come down to the period in which the gentleman was a conspicuous actor, I beg leave to advert to a few facts in relation to the bank.

A few years before the expiration of its charter, its renewal was proposed; and Mr. Gallatin, then at the head of the Treasury, who had opposed its passage, recommended its continuance. But the gentleman tells us he was no more Mr. Gallatin of 1791, than "the Lord Chatham of the ministry was the Mr. Pitt of the Parliament House." But he was not destined long to remain alone in this change of his opinions. In a few years, the old bank charter having expired, the subject was again revived. The hostile cloud that had lowered in the horizon so long, broke upon us at length, and during the war a new bank bill was proposed and passed both Houses of Congress. When submitted to Mr. Madison, who has been justly styled the Champion of State Rights, he rejected it, not because it was unconstitutional, but because he

did not regard its provisions as expedient and salutary. The Constitutional question he declared to be settled, by the acquiescence and approbation of the nation, and with a magnanimity and modesty peculiar to great minds, he yielded to the precedent which had been so decisively sanctioned.

And where was the gentleman then? In this second assault upon State rights, where was the great defender of the States? He was then in Congress. Where then was his zeal which has, on this occasion, blazed forth with such conspicuous brightness? Unfortunately for the States, it was in dim eclipse. He, too, voted for this bank bill—for the very principle on which "the first great battle, in relation to State rights, had been fought."

I know that the gentleman considers that vote as justified by the situation of the country. We were at war—in danger of subjugation—it was better to break this "sacred Constitution" than to be reduced again to colonial servitude. But will not the same principle justify the appointment of a dictator? And does the gentleman seriously believe, that it is better to construe this Constitution with so much rigor as to compel us to tear it in pieces during war, than to give it that fair and practical construction which will fit the necessities and wants of the nation at all times? Is it better to compel the Government, in time of war, to resort to the necessity which is above all right, or, by rational interpretation, to acknowledge a Constitutional necessity which can give right?

But this bank bill was rejected. The cloud of war was dispersed; the halcyon days of peace returned, and the tyrannous necessity of war was at an end. Another bank bill, in a time of profound peace, was proposed and passed by Congress, and received the signature of Mr. Madison. Where was the gentleman then? He was in Congress! Where then was his zeal? On the passage of the bill to a third reading he was unfortunately absent. He had no opportunity of distinguishing himself by his chivalry on that occasion. But, his good stars prevailed, and, on a motion to postpone the bill indefinitely, he was fortunately in the House. Here was a fair opportunity, in time of profound peace, and on the great question which had agitated parties in 1791, to recur to his principles, and put an end to the bill—and how then did he vote? He was not content even to be silent. He voted against the postponement, which was a vote decisively in favor of the bill. The gentleman now admits he was in favor of it.

Sir, I have heard an old statesman laughingly observe, that no man, who had been in public life five years, ought to be held to show, that he had been entirely consistent in his opinions. Five years, it seems, is a good bar to a charge of inconsistency. Perhaps it is under this novel statute of limitations, that the gentleman, who has long been in public life, may be considered as protected, while I, unfortunately, cannot repel his charge by

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a similar plea, as this is only the third year of my service.

Sir, I do not mean, by these remarks, to intimate anything improper in the course pursued by the gentleman, on the question of the Bank of the United States. On the contrary, I am persuaded of the purity of his motives, as well as of the then Chief Magistrate's, and, having voted for the bank bill myself, cannot materially dissent from them in my views of that important measure. But, when a gentleman, so able and so zealous in the maintenance of his opinion, pursues a course so utterly inconsistent with them, some indulgence may reasonably be expected from him for the supposed errors and inconsistencies of others. It is not for men whose path has not been direct and uniform, to charge upon others, so fiercely, their alleged deviations. It is not for them to call down upon their adversaries the censures of the nation, for fancied desertion of the principles of the Constitution.

In the construction of this Constitution, there is not, there cannot be, a system of orthodoxy. Agreeing, as we do, in principle, there must always be a variety in the application. The instrument, conferring upon us incidental, as well as express powers, there must always be great differences of opinion, as to the "direct relationship," and "real necessity" of the accessory powers. Nothing can better illustrate it than the various shades of opinion on the question before us. Nor are the opponents of the resolution more consistent with each other than we are. Three gentlemen from Virginia, who have particularly distinguished themselves in opposition, all differ in essentials. The first gentleman who spoke (Mr. SMYTH) admits, I conceive, all that I ask, in saying, that the revenues of the United States may be subscribed in stock to road and canal companies, "as a fiscal operation." But, neither of the other gentlemen will yield their assent to this position. The same gentleman contends that, as accessory of military operations, the executive and military authority may make military roads in time of war, but the legislative body cannot authorize them. His colleagues disagree with him. On the other hand, another of these gentlemen (Mr. BARBOUR) admits "the right of way," as accessory to the power to establish post roads; but his colleague (Mr. NELSON) denies it. This last, in his turn, justifies the construction of the Cumberland road, which his friend (Mr. BARBOUR) utterly disclaims. Sir, with these things before your eyes, who shall pretend to say what is orthodoxy—what is heterodoxy? It is impossible. It remains for us to act according to our consciences, without attempting a conformity to any particular sect or persuasion.

I should not have troubled the Committee with these remarks, but for the course of my colleague's observations. He has endeavored to excite alarm and apprehension. At what? What is this dangerous measure that has so much excited him? The improvement of the country! In what manner? Is it contemplated by any gentleman to enter the States by force—to make

roads without their assent—to destroy the property of individuals, and to prostrate private and State rights? By no means. It is contemplated to do that which has already been done, without injury to any one, and to the universal satisfaction of the nation. It is contemplated, either to subscribe for stock, in companies incorporated by the States; or, as has already been done in relation to the Cumberland road, to procure the assent of the States to the construction of public roads of great national advantage, and to acquire from individuals the right of using their property for the purpose. This is the utmost that the friends of this proposition contemplate or intimate. Let it not, then, be said that the rights of the States are to be infringed, since their assent is to be obtained; let it not be said that private property is to be sacrificed, since it is only to be affected by their own consent, or under such State regulations as are common in relation to turnpike roads. No proposition can be more harmless—none can be more beneficial.

With this view of the plan in contemplation, let us proceed to consider upon what principles this Constitution should be construed. Shall we give it, what is called by a gentleman, a liberal construction, extending infinitely the powers of the Federal Government? Or shall we construe it with a strictness and rigor that will disrobe us of all the means necessary for carrying on the Government? Neither! In construing this instrument, I will not, on the one hand, extend its provisions too far; nor will I, like the gentleman from Virginia, (Mr. H. NELSON,) who has denied the right of way, which even his rigorous colleague had admitted, act the part of a miser, who, in paying away a farthing, examines it with scrutinizing care lest it should turn out to be a penny. The inevitable effect of such a construction of the instrument will be, that the Government must either fail of its great objects, or that it will be habitually broken whenever the pressure of events shall seem to require. It is better to give to it a plain, practical construction, that shall suit the necessities of the nation, in peace or in war, than to attempt a rigorous adherence to the letter, which will compel innumerable infractions. Thus, to the nation, it would be less oppressive to admit, at all times, the right to make necessary military roads, with the assent of all parties concerned, than to resort, in time of war, to a necessity above right, and subversive of the Constitution, to make roads, *ad libitum*, without the consent of anybody.

Sir, the construers of this Constitution may not inaptly be compared to the *dramatis personæ* of the Tale of a Tub. Peter, John, and Martin, represent the three sects of political interpreters. I have been solicitous to preserve the golden mean which is always so desirable. I profess to be of the good old Protestant persuasion of brother Martin. There are some gentlemen who, like Peter, are for adding shoulder-knots and lace to the coat, until you will scarcely know it again. There are others who, in the eagerness to remove what is obnoxious, in tearing off the lace, pull off

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—here a sleeve, and there a skirt, and strut about in all the rueful oddity of puritanical plainness. I will follow neither of these. I see nothing so technical in the language of this Constitution, as to induce me to give it a very technical construction. It is an instrument formed under circumstances of great and insuperable difficulties. It is a division of one sovereignty into two sovereignties—a division of the attributes of sovereignty between the States and the Union—each to be sovereign and superior to the other in its appropriate sphere. In short, it is, in some sort, an attempt to reconcile contradictions, and to effect impossibilities—to create two powers, each greater than the other—to define the boundaries of the two powers, when, in truth, they run into each other like the colors of the rainbow. Already have we had repeated and decisive evidence that, in spite of the great ability and wisdom which distinguishes this instrument, it is not free from that imperfection which characterizes all human institutions. Already, in the military and judicial departments of the Government, have there existed the most serious collisions. They must continue to exist until the construction is settled by practice and universal acquiescence. Will gentlemen attempt to bring into the discussion of a question like this, the principles of mathematical science, or the attenuated logic of metaphysics? The subject does not admit of it. You cannot lay down the powers of the Government with mathematical exactness. Plat down the boundaries of the two sovereignties, according to the principles of gentlemen, and a Kentucky land claim would not exhibit more embarrassing interferences. No, sir, it is not a mathematical, it is a moral certainty, that we are to expect on these great questions of political right. And how is this moral certainty to be better attained than by a practical construction, supported and fortified by the practice of the Government, and the uniform acquiescence of the nation, in analogous cases? This practice—this uniform acquiescence—these decisions of the nation, on Constitutional powers, which admit not of precise definition, but are rather to be referred to practical good sense and sound discretion—these, I say, serve as landmarks for subsequent legislatures. They are the buoys which the wisdom of the nation has fixed, to mark out the channel that divides the rival jurisdictions.

I do not contend, but have explicitly disavowed the idea, that we are bound by legislative precedents against the clear meaning of the Constitution. But I do contend, that when a principle has been long avowed and admitted, and acted upon, we ought not entirely to disregard it in deciding on a doubtful point. Do gentlemen suppose that if, which Heaven permit! this confederation of States shall last for a century, we shall, throughout that period, be continually moot-ing Constitutional points; holding nothing as decided; admitting no construction to have been agreed upon; and, instead of going on with the business of the nation, continually occupied with fighting, over and over again, battles a thousand

times won? Sir, I have before cited the strong expressions, of the late able President of the United States and of the present Chief Magistrate, when Secretary of War, on the influence of former acts of Government, which have been quietly acquiesced in by the people and the States. There is, as might be expected, great good sense in their opinion. It is an opinion peculiarly correct, when applied to a Government, which, like ours, provides the means for its own alteration. If a power is asserted by the National Government which is conceived not to have been granted, or to have been improperly bestowed, the States have the power of amending the Constitution and prohibiting its exercise. Hence, when this power is not exercised though the question has been agitated among the States, it furnishes a fair presumption that the power has not been improperly asserted; it affords the best evidence, in all cases not admitting of clear and unequivocal exposition, of what is the true practical construction of the act of union. Nor is it at all a novelty that practice and acquiescence should receive so much consideration. They often form the Constitution itself. What is the constitution of Great Britain but a constitution founded on usage and long acquiescence? But, my friend (Mr. BARBOUR) says, that it may be altered by Parliament. True—let us come nearer home. Who made our State constitution? The ordinary Legislature. There was no convention. The gentleman on my left (Mr. H. NELSON) whispers that they called themselves a convention. If then, we call ourselves a convention, will it give us the power of altering the Constitution? By no means. What then gives validity to the Virginia constitution? What then makes her citizens look up to it with veneration, as the unalterable charter of the Government? The consent, universal understanding, and acquiescence of the people! It was formed in a moment of difficulty and danger, by the ordinary Legislature; it was promulgated as the frame of government; it has been acquiesced in as such, and is now as much the constitution of the State as the instrument we have sworn to support is the Constitution of this Confederacy.

It is true, that all sorts of precedents are not to be regarded. It would be absurd to speak of the alien and sedition laws as precedents. It would be absurd to attribute the sanctity of national acquiescence, to measures which were received with the deep-toned murmurs of national disapprobation.

It may not be improper, after these general remarks in relation to the spirit with which the Constitution should be construed, to say something on the subject of the terms "necessary and proper" in that Constitution. The gentleman from Virginia (Mr. BARBOUR) seems to think "necessary" means, absolutely necessary. [Mr. BARBOUR denied that he had said so.] Sir, I do not mean to mistake the remarks of my friend from Virginia; and, I hope he does not take amiss my mistake. We have known each other from our boyish days, and I have never felt for

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him any other sentiments than those of esteem and regard.

The present debate cannot lessen or affect these sentiments. It can only produce one effect—to increase my high estimate of his abilities by the wonderful display of his powers, which we have witnessed on this present occasion. Another gentleman from Virginia, however, has certainly adopted the idea that “necessary” must mean “absolutely necessary” by declaring that we can exercise no incidental power, unless, without it the grant of the express power would be nugatory. But, sir, if “absolutely necessary” means more than “necessary,” I ask, by what right gentlemen interpolate into the Constitution, which they construe so strictly, so important a word? Or how can it be said of any one mean that it is absolutely necessary to effect the end; since, in almost every imaginable case, more than one mean may be conceived of effecting any given object.

The gentleman (Mr. BARBOUR) certainly has contended that our right to make military roads is the result only of extremity—of an extreme necessity, which, by the laws of nations, would give a right to march through neutral territory. And can he really believe that, in relation to the power of carrying on war, we were intended to enjoy only the powers given by the laws of nations? He tells us we cannot cut a military road, unless our army should be placed in a situation from which we could not retreat without cutting one—and how shall it be cut when we are pressed by an enemy? It would be impossible—and thus it seems, to use the clear language of the gentleman from South Carolina, (Mr. LOWMEYER,) when it is practicable it is unconstitutional, and when it is Constitutional, it is impracticable. In reply to the difficulties suggested in the report of the select committee, in relation to the transport of military stores and munitions of war, the same gentleman has said, that we might establish arsenals along the frontier where arms, &c., would be wanting; and that thus it was manifest military roads were not indispensable. My worthy friend from South Carolina, who has too much delicacy to speak disrespectfully of any argument, has yet so forcibly illustrated the impolicy of placing our arsenals and magazines within the jaws of the enemy, that I am satisfied the gentleman will perceive his system of construction to be impracticable and inconsistent with the wisdom and views of the framers of the Constitution. Sir, the gentleman has told us that, on our principles of construction, the instrument is nothing but paper and packthread. I will tell him that on his principles it is not even that. He shaved it away by his acute and ingenious mode of reasoning, until you may see through it. It is so attenuated as to be impalpable. It is of no practical use. The Government could never have been set in motion upon his principles. In short—this Constitution, which will not permit us to prepare for our defence against a foreign foe—this wonderful instrument, so much the subject of our admiration, and so zealously defended by gentlemen—

is, upon their principles, a miserable fortress, not one gun of which can be brought to bear upon an enemy, while its whole artillery is most admirably pointed against the garrison!

Sir, this doctrine of extremity may be, and has been, carried too far. It is not conceivable that the Constitutional necessity, which the framers of this instrument intended should confer right, must be that extreme necessity which is above right. It never could have been intended that we should be driven to extremity before we could act; that the public enemy must be upon us before we can construct a military road. Constitutional difficulties of this description, it would seem, are not confined to this body. In a certain great city, not a thousand miles off, and at a period not a hundred years remote, a great question arose on the corporation's constitutional powers to build a bridge. A bridge was erecting, and the abutments constructed for throwing a noble arch of stone over the stream which ran through the city, when, all at once, a scruple arose as to the power of making a stone arch. The bridge makers very fairly contend that as they had power to build the bridge, they possessed the necessary power of constructing the arch. But the constitutionalists very ingeniously and subtly replied, that as a bridge might be made of sills and sleepers of wood, a stone arch could not be absolutely necessary; and the power was therefore not given, unless indeed a case of extremity should exist which might justify it. Their counsels prevailed. A wooden bridge was erected, and the floods came, and the torrents roared, and the constitutional bridge was in imminent danger of being swept away. Then the constitutionalists were heard to cry out “the extremity has arrived, you may now construct the stone arch,” but, alas! it was too late! The workmen pronounced it impossible; and the members of the corporation, in looking on while the bridge was mingling with the flood, could but sigh at the reflection, that, by their singular charter, what was practicable was unconstitutional, and what was constitutional was impracticable!

I shall not pretend, Mr. Chairman, to pass over the whole ground which other gentlemen have so ably occupied in support of these resolutions. For this reason I shall not find it necessary to comment at large upon the meaning of the word “establish” in the post office clause. Whether “establish” means “construct,” may well be left to stand upon their arguments. I will however add these suggestions on this point: If the power “to establish seminaries of learning” had been given, would not that term have justified “the construction” of colleges, and the acquirement of collegiate property? If the power to “establish” post offices gives the power to rent or purchase post offices, which has always been exercised without dispute, is it not equally fair to understand the power “to establish” post roads, as giving at least the power to make them with the States' assent? I will also add, the Articles of Confederation did not authorize the establishment of post roads: it applied only to post offices. Why

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then were the other words inserted, if establish only meant to designate? The designation of the office was always a sufficient designation of the road. The argument derives, too, additional force from the consideration, that the words "and post roads" were not in the first draught of the Constitution, but were interlined.

For my own part, however, I am disposed to consider the power of improving the post roads rather as an accessory to the power of establishing post offices and post roads. I am inclined to this construction, because I am not disposed to strain the meaning of any term in this Constitution. I would assume indisputable ground. I do not find myself called upon at this time to say how far we can go, but I am satisfied with saying, confidently, that we can safely go as far as is contemplated. It is sufficient for me that we can constitutionally do what the public good requires, and I do not find it necessary to decide whether we can do more. Hence, I have already voted in the Committee, and shall continue to vote in the House, against those resolutions, which assert the power of Congress to construct roads and canals without the consent of the States. I confess myself, indeed, strongly inclined to the opinion that, in the exercise of these incidental powers, the assent of the States must be obtained. I stated to the Committee, the other day, some reasons for this opinion, and shall, before I conclude, touch upon the subject once more.

The gentleman from Virginia (Mr. BARBOUR) seems to me to have conceded here the whole ground. He admits the right of way to be given by the post office clause; and he further admits, that a post road once established by Congress cannot be shut up by the State; though it may discontinue the road for all other purposes except the transportation of the mail. What, then, is the inference? Either that the State is bound to keep the road in repair for the use of the United States, out of the State funds; or, that the United States may, with their own funds, and with the State assent, put the post road in repair, (which is the position I contend for); or, that the post roads of the United States may be permitted to go entirely out of repair, grow up into a wilderness, and become impassable, by which means the Federal Government can neither exercise the power nor perform the duty arising out of the post office clause.

This latter supposition cannot be contended for; and the gentleman may have his option as to the two former. For my own part, as a lover of State rights, I should much rather see the United States repairing the roads out of their own funds, than compelling us to repair them out of ours. It is not difficult to decide which would be the most dangerous invasion of State sovereignty.

The same gentleman has laid it down as a rule, that there must be a "direct relation" between the express power and the incident; and it is also contended, (though the position is entirely unsupported,) that the incidental power must not be greater than the principal. It is surely not diffi-

cult to show a "direct relation" between the duty of carrying the mail and the power to render the roads passable. How much less direct in its relation is the power of hanging a robber of the mail under the power of establishing the road! And, unless the life of a citizen is considered unimportant, it may also fairly be alleged that there is a greater disproportion between this power of hanging and the establishment of a road, than between the power of declaring and carrying on war, and that of making a military road with a view to its successful prosecution.

The two gentlemen from Virginia, however, (Messrs. BARBOUR and NELSON,) and particularly the last, have contended, that the following clause in the 8th section of the first article of the Constitution, proves that it never was intended that the Federal Government should acquire any right in the soil, in any of the States, except in the few instances there specified.

That clause is in these words: "Congress shall have power to exercise exclusive legislation, &c., &c., and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." And gentlemen say, that had the Convention contemplated the right of this Government to acquire property, *ad libitum*, from the States, they would not have conferred expressly these trivial powers to acquire small pieces of property for certain specified purposes. The argument is incorrect. It is founded on a false conception of the passage. It is based on the supposition, that this clause gives the power to purchase forts, &c., when a slight inspection will prove that this is not true. The clause gives jurisdiction only; it does not give the right to purchase. On the contrary, it furnishes to us an irresistible argument, that the power of purchase was taken for granted; for the power is not given expressly anywhere, but the mention of it here, incidentally, only shows that its existence was, nevertheless, clearly contemplated.

Sir, this is not only the fair construction of this clause of the Constitution, but, I will proceed to show, that, from the commencement of the Government to this day, the Federal Government has proceeded upon the presumption, that it had a right to acquire property by purchase and by cession from the States.

I will first mention custom-houses, some of which have cost large sums of money; whether purchased under the power to regulate commerce, or the general power here asserted of acquiring property, the construction which justifies them is at least as latitudinous as that we contend for.

The Harper's Ferry purchase. We had the power to purchase the site for an arsenal, but we had not only purchased this, but two considerable tracts of land, one of which does not lie contiguous to the arsenal, but at some distance from it.

The property owned by the United States in this District. But as these, together with a va-

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riety of others, may be supposed referrible to some other power in the Constitution, we shall pass on to what is more important.

The purchase of Louisiana. Where will gentlemen, upon their principles of construction, find the justification of this measure? [Mr. NELSON rose, and referred it to the power of admitting new States into the Union. Mr. BARBOUR said, it had been referred to the treaty-making power, but, whether right or wrong, it would not operate as a precedent for him.]

As to the clause admitting new States into the Union, it clearly refers to States to be composed out of parts of the United States. If not, yet there are two sufficient replies to the argument. First, that Louisiana was not admitted as a State, but as a Territory, the property of the United States. Secondly, that unless it be admitted, as we contend, that we have a right to spend the revenues of the Union for the national advantage, we had no right to lay out our money in the purchase of the State, even if we had a right to admit it into the Union. And, moreover, the right to admit the State could not, of itself, justify the United States in acquiring for the General Government the immense quantity of public lands which it holds in that Territory.

As to the treaty-making power. This is a still more unsubstantial ground to rest upon. For there is one principle which, in this House, we hold sacred; that whatever may be the treaties made by the Executive, we are not obliged to make the appropriation; still less can the treaty compel us to make an appropriation, which gentlemen tell us the Constitution does not authorize. But, it is further to be remarked, that the appropriation of two millions for that purchase, was actually made a considerable time before the treaty; so that, unless the effect can produce the cause, the treaty cannot be resorted to to defend the act.

The Committee will understand me as by no means arraigning these measures, which I deem not only Constitutional, but highly expedient and beneficial, but as contending that they cannot be justified, except upon the principle I advocate, "that the Federal Government has a right to purchase property for national benefit, with the national funds."

The next purchase I shall mention is the Mississippi, purchased from Georgia. To get rid of this difficulty, the gentleman from Virginia (Mr. NELSON) contended, that it had been conquered from Great Britain by the Union; that Georgia had no title to it; that it never was within the settled limits and jurisdiction of that State. The fact is mistaken, and the argument more so. The fact is mistaken. To a great part of the ceded territory the United States never asserted any claim; and I understand from a gentleman from Georgia before me, (Mr. COBB,) that a county on the Mississippi, called Bourbon, within the ceded territory, was laid off by that State before the cession. The argument is as incorrect as the fact is mistaken. If Georgia had a title, then we have purchased a title to land with our resources.

which was the exercise of that very power in controversy; if not, then we gave to Georgia \$1,200,000 for nothing. Now, if the Constitution does not permit us to lay out our money in acquiring property, or in giving aid to public improvement, I should be happy if the honorable gentleman will point out the clause which authorizes us to give away the public money, without any consideration at all.

The next case I shall mention is the Virginia cession, made under the circumscribed powers of the old Confederation. If a power to receive a cession of territory existed under that instrument, it cannot be denied under this. Under that instrument, the immense western territory of Virginia, conquered by her arms under the gallant General Clarke, was ceded to the Confederacy. Will the gentleman deny the title of Virginia? Will he, the champion of her rights, assert that she had no claim to this property? He will not, he cannot. Whilst, therefore, according to his argument, the Mississippi cession furnishes an instance of our giving away our money, without consideration, the Virginia cession affords an example of our receiving a valuable consideration, without giving away our money.

A strong inference in relation to this power of acquisition, from one of the Confederacy, is afforded by this cession of Virginia, made to the Union not more than a year before the adoption of this Constitution. If the convention had not intended this power to be exercised, which, under the still more narrow provisions of the Confederation, had been deemed legitimate, why does the Constitution contain no provisions inhibiting it to the Federal Government?

Sir, I do not call in question the validity of these cessions. I believe them Constitutional; but as they cannot be supported on the grounds assumed by gentlemen, and, as they disclaim the only principles on which they can be justified, it is to be hoped that, in fulfilling the important duty of supporting this Constitution, they will make amends for the errors committed, by receding to the States their respective territories. It is not enough for gentlemen to say "these precedents do not bind us. We do not justify these acts." It becomes their duty to repair the breach in the Constitution, by a prompt repeal of the unauthorized acts. If they will effect this, they shall, indeed, be called the defenders of the States. Georgia stands here ready to receive back her lands and give you your money again; and my parent State!—If you will only recede what she has lavished upon you, she will no longer be found begging at your doors for a little bit of land to discharge the just claims of her soldiers, of which they have been deprived by fraud or by mistake, in this very contract, whose validity is now called in question.

I will only add one other instance in relation to the United States acquisition of property. By the direct tax laws it has been provided that wherever there was default in the payment of the land tax, and upon the sale of the lands no person would bid the amount due, the land should

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be purchased for the use of the United States. The gentleman whispers me that they were directed to be sold again. But until the sale it was the United States property; and the resale may be made or not, according to the pleasure of the Government. Here, then, is a mode by which the Union may be gradually, yet constantly, acquiring property in the States. If, then, the gentleman's argument that Congress has exclusive jurisdiction over all the property it possesses, under the power to make "needful rules and regulations" be correct, here is a mode in which the most extensive exclusive jurisdiction is to be acquired within the States. But the deduction of the gentleman is incorrect. The fair construction of the clause he refers to, when connected with the clause in the 8th section on the subject of exclusive jurisdiction, does not give jurisdiction over property thus acquired. It only gives the right to make rules with respect to its disposition and management.

I shall not detain the Committee with the numerous instances in which the United States have acquired property within the States—sometimes with, sometimes without, their assent.* But, before I quit this part of the subject, I will beg leave to reply to the remarks of the gentleman (Mr. NELSON) on the Cumberland and Plattsburg roads. These works he has attempted (as I understand him) to justify. The Committee referred to the former, as an instance of the appropriation of the public moneys of the United States, to the construction of roads through the several States, with their respective assent. The gentleman justifies this work, while he opposes the doctrine that the Federal Government can appropriate money for the improvement of roads. How does he justify it? Does he contend that we can appropriate to those purposes the proceeds of the sales of public lands, but no other funds? If so, and if an appropriation of this character will solve his difficulties, let us appropriate these funds for internal improvement instead of bank fund. I shall be happy to receive his support to the proposition. But what difference, in principle, is there between spending on roads a dollar that came in through the customs, or a dollar produced by the sale of public lands? Or how does our greater command over the fund give us a right to acquire property in one way and not in the other? The gentleman tells us we bound ourselves, by a compact with the State of Ohio, to make this road. Can this compact justify the act, if it would have been unconstitutional without it? If such compacts untie the Gordian knot, then let us make compacts with the respective States to effect this desirable purpose of internal improvement. It is all that we require.

Sir, the Cumberland road cannot be supported

under the act of cession; it can only be supported on our principles. The act of cession provided "that the ceded territory should be considered as a common fund for the benefit of the members of the Confederation." The fund is thus placed upon the same footing with the other funds of the United States. There is not a syllable providing for or directing its application. The act which erected Ohio into a State, in directing the application of a part of these funds to the construction of roads, is not, therefore, justified by the act of cession, but by the general principle that we may expend our funds for the benefit of the Confederacy; and the acts authorizing the construction of the Cumberland road, (which have received the sanction of several Congresses and two Presidents, as also of the States of Pennsylvania, Maryland, and Virginia,) having originated in the act last mentioned, can rest for their justification only upon general principles, and not upon anything peculiar in their character, or in the character of the fund which has been employed.

The road from Plattsburg to Sackett's Harbor has been spoken of in justificatory language. It is said the soldiers have been employed on fatigue duty in making this road. If we have the power to make roads, it is all I ask. I care not whether they are made by soldiers or citizens. Let us—if the calling our laborers soldiers will justify the act—increase the number and appropriate our funds for doing the work effectually. It is said three cents per day additional allowance is all that it costs the United States. Fifteen cents additional is the real sum. But is there any difference, in principle, between three cents and three hundred? It is said the road was there before. But is there any difference, in principle, between the right to repair the road, and to make it anew? If there be, and the former be Constitutional, let us all unite in appropriating funds to repair the existing roads. We shall have enough upon our hands in this view of the subject. It is said that this was directed by the military authority. And can the military authority, in time of peace, make a road without the consent of a State, when the legislative body cannot authorize it with their assent? Sir, I, too, approve the making of this road, but not upon these principles. I approve it, because we have a right to appropriate our funds to such purposes; because the legislative body did, by their appropriation of fifteen cents additional to the soldier's pay for this purpose, authorize the act; and because, although the State assent was not formally procured, there is every reason to believe it met with universal approbation.

I will not detain the Committee by enlarging on topics peculiar to military roads. There is no power in this Constitution more extensive than the war power. It never could have been intended by its framers, who had felt, through a long and often disastrous war, the evils of too limited powers, that this nation should, in such trying scenes, be handcuffed and manacled. It never could have entered into their views, that

* See the first volume of the Laws of the United States, (Bioren & Duane's edition,) pages 664, 665, 666, 667, 668, 679, 680, 681, 682, 683, 684, 685, 686; the whole of which are occupied by a list of the property of the United States in different States of the Union.

this Constitution only gave such rights, in relation to the marching of armies, as the laws of nations confer. They never could have intended that our armies should be placed in extremity before they could begin to cut a road for their retreat or accommodation. They were men of the world and statesmen. They knew that, as far back as recorded history extends, roads and bridges were essentials in military operations. They must, therefore, have intended that the power to make them should be vested in the General Government, as accessory to the power of raising and supporting armies and making war. And this, of itself, furnishes a sufficient answer to the argument of gentlemen "that if these important powers were intended to be given, they would not have been left to be inferred." If considered as fairly accessory to the war power, it was unnecessary, and would have been improper to specify them. The principle of exposition contended for, sufficiently evinces the prudence and propriety of avoiding an expression of what was considered as implied.

Sir, the events of the late war furnish us a lesson on the subject never to be forgotten. The transportation of our cannon to Sackett's Harbor cost us, it has been said, one thousand dollars a gun, and flour, in the Northwest, cost, at one period of the war, ninety dollars a barrel, on account of the difficulties of transportation. I have before me a history of the Western war, where I find it stated, that the extra expenses of transportation, proceeding from bad roads, would have built a fleet upon the Lakes, and that each wagon loaded with flour (never more than eight barrels to a load) was obliged to be attended by two others loaded with forage. I find, also, that to the dreadful state of the roads, which prevented the arrival of artillery at the river Raisin in time for that disastrous conflict, is attributed that dire event, at the recollection of which the blood in the veins of every American must run back to its citadel—the heart. [Here Mr. T. read, from the History of the Western War, passages on these subjects.]

But, an honorable gentleman from Virginia (Mr. SMYTH) tells us, that the power of constructing military roads, at least in time of war, does belong to the Executive department of Government, but that the Legislative body has nothing to do with it. This is dangerous doctrine, sir, and not more dangerous than incorrect. How do they get the power? Is it expressly given? By no means. It is an accessory, it is said, and justly too, to the power of making war, and raising and supporting armies. But the accessory follows its principal. To whom, then, is the principal power given? To Congress; and if the accessory follows the principal, the accessory power of making roads belongs to Congress also. It is true, that if Congress makes war and puts an army into the hands of the President, necessity may sometimes compel him to exercise this power; but it is a necessity that only excuses an act which is irregular and at variance with the principles of the Constitution.

Having occupied already so much of the time of the Committee, I shall not take a view of the question as it relates to canals, except so far as it is connected with the extensive power over our revenues which this Constitution has given us.

This power "to raise money to pay the debts of the Union, and provide for the common defence and general welfare," is one of the most comprehensive in the Constitution. By the express terms of the instrument, there is no other limitation, except that the object of expenditure must either be for the common defence or general welfare. Indeed, in the nature of things, it could not have been intended by the convention to specify, in the Constitution, all the purposes to which revenue might be applied. There is nothing more entirely indefinite and general than the uses of revenue. Money, of no value in itself, except as it will command what we want, is capable of such an infinite diversity of uses, that to attempt to define its application, is to descend into the minutiae of human transactions. I cannot, therefore, conceive that it was the spirit and intention of the clause, to confine the expenditure of money to the objects specified in the succeeding enumeration of powers. The gentleman from Tennessee (Mr. JONES) has saved me the trouble, by his clear and logical argument, of showing, that, according to no fair principles of construction, can the powers "to borrow money," and those which follow in the same clause, be considered as dependent upon this general clause. They are all as independent of this as they are of each other. Each depends alone upon the commencing words of the section—"Congress shall have power."

But some gentlemen, fearful of this sweeping clause, as it is called, contend that there is a fair implication that the expenditure is to be applied to the specified objects; that upon any other construction the powers of the Federal Government would be as extensive as the wants of the nation, and swallow up all the powers of the States. I see no foundation for the implication, nor do I apprehend any danger of such an extension of power. While in relation to the "common defence," there can be no pretext for alarm, there seems to me not more reason for apprehension in giving to the phrase "the general welfare," in this clause of the Constitution, its plain and appropriate signification. We cannot exclude them from an instrument which we are told must be construed with so much precision. How then is this term "general" used? To indicate nationality; to point out that the object of the public expenditure must be the *national welfare*—the welfare of the Union as a nation—contradistinguished from the welfare of the States as members of that Union. Pursuing this plain and obvious meaning of the terms, there is no danger of the National Government insinuating itself, as has been suggested, into all those concerns which were unquestionably intended to be reserved to the States. It is only by attributing to the term "general" the idea of "universality," of which it is not here susceptible, that any foundation can

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be afforded for the alarm which has been expressed.

But those who apprehended so much from a construction of this clause, which would leave to Congress the unlimited disposal of the revenues of the Government, would cease to be alarmed if they would but reflect, that the unlimited power over our funds, does not imply, of necessity, a power to do everything to which these funds may be applied. My right to use my own funds at pleasure is always controlled by this obvious restriction, that I shall not acquire with them what belongs to another, without his consent. I have a right to lay out my money in the purchase of your property, if you will sell it to me; but my right to use my money does not take away your right to keep your property. The United States have a right to appropriate money to make canals, it is true, but this does not give them a right to seize the property of the States, and make canals without their assent. The power over our funds (unlimited except by the nationality of the object to which they must be applied) does not, therefore, enlarge our powers or diminish the powers of the States.

It is in this, I conceive, the error lies. Our adversaries now press upon us, what I presume to have been the Federal doctrines of 1798—that the power to raise money to provide for the “general welfare,” enlarges the powers of the General Government, instead of merely leaving it a discretion in the application of its funds to objects that are national in their character. Such a doctrine would be dangerous indeed, and has therefore always been very properly repelled. But the right of applying the public money to national objects, limited and controlled, as of necessity it must be, by the rights of the States, is a salutary and Constitutional right. The first would give to the Federal Government the power of making roads and canals in spite of the States; the last only asserts the right to spend our money in improving the State property, provided the owners (that is the States) give their assent to the improvement. The first is subversive of State rights, the last admits them and respects them.

It is this view of the subject which is to my mind most satisfactory. If it be not founded in error, we have a right to subscribe to the stock of any road or canal companies, (whichever is the most desirable mode of effecting our object,) or we may, with the assent, and under the laws of the States, proceed to the construction of roads and canals; the rights of individuals being protected by their State Legislatures, and by the provisions of the 5th article of the amendments to the Constitution.

To illustrate this view of the subject, let me ask, if the United States had a deep national interest in the improvement of the navigation of the Appalachicola, from the Florida line to the Gulf, through the Spanish dominions, would they not have a right to expend the funds of the Union in that national object, with the assent of Spain? It must be admitted. Suppose they

purchase Florida, and it becomes a State, and the national interest requires the same improvement in the navigation; can it be contended that, though we had a right to use our funds in improving a Spanish river, with Spain's assent, we cannot improve it when it shall become one of our own rivers, even with the assent of the State through which it passes? Again: It is said we have now an absolute right to apply the funds of the Union in making a road through Alabama Territory; can it then be contended that, when it becomes a State, this right to apply our funds will cease, even though the State should assent to the application?

It will be perceived that, in every view of this subject, I consider the assent of the States as a term in the proposition. I do not feel myself called upon to decide whether we may not even go further, particularly in relation to military roads. It is enough for me, that we can appropriate our funds to this object, which always implies the necessity of State assent to the execution of the work. I confess myself, however, inclined to the opinion, that, according to a fair construction of this instrument, State assent is a prerequisite to the execution of any permanent national improvement. The occasional construction in time of war of a road for military purposes, must always be justified, independent of assent. But it is justified by a necessity which sets right at naught, and does not therefore fairly enter into this discussion. I will, however, succinctly state, why I consider the Constitution as requiring the assent of the States wherever an incidental power affecting territorial rights is to be exerted.

In the 8th section of the 1st article of the Constitution before cited, where the power of purchasing property for forts, magazines, and dock yards, is incidentally mentioned, that power seems to have been contemplated as qualified with the necessity of obtaining the consent of the States. Then, I argue thus: If, in the casual mention of certain incidental powers affecting territory, (such as purchasing land for forts, &c.,) the framers of the Constitution manifest their understanding that they are to be considered as qualified by the necessity of procuring the assent of the States, it is fair to conclude that wherever incidental powers, which interfere with territorial rights are to be exerted, they must be subject to the same qualification. Now the right to make roads as necessary to the post office clause, or the war-making power, is an incidental right, and interferes with the territorial rights of the States. I conclude, therefore, that it can only be exercised with the assent of the States.

Nor let me be understood to contend that the assent of a State makes that Constitutional, which was not so before. I conceive the power to be given by the Constitution, but that, according to a fair construction, it is given with a qualification that the State assent shall be obtained before it can be exercised.

Such, sir, are my ideas of this Constitution,

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and of the question before us. I am satisfied that the construction which I have given to it, is not calculated to prostrate the rights of the States, or to consolidate this confederacy. No man can be more alive to the just rights of the States than myself. None can be more sensitive than I am as to the interests of my native State. But I am satisfied that the principles of construction contended for by gentlemen would render this Constitution worthless. So construed, it is an useless hulk upon the waters; worm-eaten, not seaworthy; and you could no more calculate on its bearing you safely over the tempestuous ocean of political affairs, than you could expect your gallant Constitution—the old Ironsides of your navy—rigged with a single mast, and her seamen armed alone with bludgeons, to return to your shores from the conquest of the Javas and the Guerrieres of the ocean, bearing aloft your flag amidst the acclamations of your people, and rendering your exploits the envy and the admiration of the world!

The Committee rose, obtained leave to sit again, and the House adjourned about five o'clock.

FRIDAY, March 13.

Mr. WILLIAMS, from the Committee of Claims, made a report on the petition of Henry Davis, which was read; when Mr. W. reported a bill for the relief of the said Henry Davis, which was read twice and committed to a Committee of the Whole.

Mr. WILLIAMS also made a report on the case of Thaddeus Mayhew, transmitted to this House by the Commissioner of Claims, which was read; when Mr. W. reported a bill for the relief of the said Thaddeus Mayhew, which was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act extending the time for obtaining military land warrants, in certain cases;" also, the bill, entitled "An act fixing the compensations of the Secretary of the Senate, and Clerk of the House of Representatives, and of the clerks employed in their offices; and the bill, entitled "An act to provide for delivering up persons held to labor or service in any of the States or Territories, who shall escape into any other State or Territory," with amendments to each; in which bill and amendments, they ask the concurrence of this House.

The bill from the Senate was read twice and referred to the Committee on Military Affairs.

The amendments to the first mentioned bill of this House were read, and referred to the Committee of Ways and Means.

The amendments to the last mentioned bill were read, and ordered to lie on the table.

On motion of Mr. LAWYER, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of correcting a mistake that occurred in the year 1808, in placing Captain Thomas Matchin, an officer in the Revolutionary army, upon the pension list, at ten

dollars per month, when he ought to have been placed on the pension list at twenty dollars per month, according to the report of the then Secretary of War, and providing by law for the correction of such mistake.

INTERNAL IMPROVEMENT.

The House again resolved itself into a Committee of the Whole, on the resolutions in favor of the power and duty of Congress to authorize the making of roads and canals within the several States.

Mr. PINDALL, of Virginia.—I had intended to address the Committee in an earlier stage of the debate, but, the silence which the deference due to more experienced members imposed on me, has been amply rewarded, for the chief grounds of argument on which I had intended to dwell have been preoccupied by gentlemen who have handled them with an ability to which I could not have aspired. I have risen, however, to notice some of the positions of those who question the power of this Government to apply its resources to the internal improvement of the country, by the construction of roads and canals—positions which have, probably, escaped the views of gentlemen with whom I shall vote, or, indeed, may have been noticed by them, but in a light somewhat different from the views I shall take leave to submit. Gentlemen on opposite sides, in this controversy, espouse the Constitution of the United States in different and very dissimilar aspects. Whilst those who affirm our power to construct roads consider the Constitution as a modification of social compact, defining and conferring legislative powers; gentlemen on the other side, who deny the power in question, seem to be out of humor whenever the instrument is viewed in any other than its federative character, or, as an international convention, to be construed as a treaty between independent Powers. I will not undertake to deny the theorem on which several honorable members seem to build their arguments, to wit: that rules of interpretation, as applied to a fundamental social institution, or, to a mere treaty between sovereigns, are different as to their latitude of operation; and gentlemen (with my leave) may assume, that a treaty shall receive a more restrained construction, with regard to granted powers, than a social compact. But, on the other hand, all should admit that the Constitution of the United States is a compact both social and federal in its character. Hence, it might be supposed that we ought to interpret some of its provisions as clauses of a social compact, and others of its provisions as clauses of a federative alliance. And this, again, might introduce the inquiry, whether those texts of the Constitution, from whence we seek to derive the power in question, be social or federal in their character. I will, however, beg leave, for a moment, to consider our Constitution as a mere federative instrument, or treaty, between the twenty States of the continent; this being the view of that instrument which seems so congenial to the wish of those who oppose the resolutions.

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The Constitution, then, as a treaty between the several States, is the object or subject of some common-place rules of construction, which, if not altogether self-evident, are so usual and universally acknowledged, that I should think it a mere waste of time to mention them were it not from a persuasion that indubitable results will be seen to flow from their recollection. It may be assumed as a primary rule, that terms or words found in treaties are to be interpreted in their received signification in the sense which custom has given them. Again, the custom which presides the interpretation is the custom of the time in which the treaty was concluded or drawn up; and, as language and the customary signification of words vary with time, it behooves us, in seeking the sense of treaties of past times, to know the common sense of the terms used at the time when the treaty was written; and this can only be known (according to national law writers) by the works of contemporaneous writers, by the contemporaneous acts of those concerned, and by early acts and interpretations by those who lived and acted in times less remote than ourselves from the origin of the treaty.

Here, then, we find a cure for what I consider as the error of my honorable colleague, (Mr. BARBOUR,) when he asserts that precedents are to have no weight in construing the Constitution. That gentleman insists that precedents are only to prevail in the technical proceedings of municipal courts, and are to lose all their virtue when applied to national compacts or treaties. In truth, the authority of precedents operates in an inverse ratio, when compared with the idea of my colleague, for the technical rule of the municipal court discards the force of precedent, unless the point quoted shall have been directly and expressly affirmed, denied, and solemnly adjudicated, otherwise the opinion of the most learned judge would be repudiated as an *obiter dictum*: whereas the deliberate, but theoretical disquisitions of those who had an opportunity of knowing the motives and objects of the parties are adverted to in expounding national pacts. The statesman or politician works with the same tools that employ the lawyer, and the difference is in his occasionally seizing other tools to which the lawyer is not entitled. The statesman may call his sources of information contemporaneous practice, or early practice, or more recent acts of construction acquiesced in by the parties, &c., yet, after all, (as I have remarked,) he only differs with the provincial lawyer in resorting to a more liberal and extensive use of what may be called precedents.

My colleague also supposes that legislative precedents prevail in the British Parliament, but ought to have no weight in this country. I agree that no act or decision of the British Parliament can furnish a precedent for us, and that, in questions of mere expediency, precedents can have but little, if any, weight in the legislative assembly. But, with regard to disputes of the boundaries of legislative power, I insist that a deference to precedents is the property of the Legisla-

ture of the United States, and not of the British Government. The British Parliament has no limitation to its legislative powers, consequently precedents can never be resorted to for the purpose of showing the precise extent or limits of powers which are confessedly unlimited. But, although the power of British legislation knows no limitation, the separate powers of the respective branches of that Government, in their relations to each other, are so limited as to prevent collision; and in adjusting questions of that limitation, precedents are quoted and are allowed their proper weight. Hence, it is seen, that, with the British Government, whenever boundaries of power are acknowledged, or certain limits prescribed, the doctrine of precedents, furnishing the beacons or line trees in the road of certainty, is necessarily attended to.

My colleague, in drawing lines of distinction between the Parliament and Congress, quotes it as a maxim of the British Parliament, that, whatever has at any time been done, may be done again. If the proposition, of which this maxim consists, had been affirmed by me, as a postulate in experimental philosophy, I think my colleague would have yielded to its truth. I presume, however, he quotes the proposition in a moral sense, and if he thereby meant, that whatever had been morally and properly done at any time, might be morally and properly done again, I would claim that maxim as the property of our Government. But there is no sense in which the maxim can apply to the powers of the British Parliament, for those powers being destitute of limitation, the Parliament may not only do again whatever has at any time been done, but may do what never has been done at any time. The structure of this Government has furnished a mean whereby the constitutionality of legislative acts may be tested. This mean administers itself through the instrumentality of the judiciary department. As laws are administered by the judiciary tribunal, it, in judging of the validity of those laws, and in deciding on their conformity to the Constitution, interposes as an umpire between Congress and the people. Now, all will admit, that the Supreme Court of the United States, in deciding the question whether a law be Constitutional, will give ear to the authority of precedents.

An appropriation of money to particular objects may be effected by a bill, which may happen to be carried into execution without passing the ordeal of an examination by the judiciary. But, after gentlemen admit that the judiciary may decide on our Constitutional powers, that the judiciary, in making that decision, will adhere to precedents, and, consequently, that precedents have authority whenever an impartial and learned umpire can intervene with its authority; will they contend that, in every case where peculiar circumstances enable us to carry a measure into execution without the aid of the judiciary, and where, of course, we must determine the validity of the power ourselves, precedents are to be rejected? How happens it that precedent shall have force in settling the validity of one Consti-

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tutional power, and be rejected when the question arises on another? Is it because in the latter case our ingenuity enables us to shun those scientific tribunals which the Constitution has created for its own preservation? My colleague (Mr. BARBOUR) warns us of the importance of the question now under discussion, and informs us that unborn millions will be affected by the consequences of the decision now to be had. But how are unborn millions to feel the effects of this decision, unless, being had upon full and mature consideration, it be hereafter regarded as a precedent? Thus, the Committee may have observed my colleague rendering (as it might be called) his involuntary consent to the doctrine of precedent, at the moment when declaring his hostility to its authority. I have dwelt thus much on the topic of precedent, because I am convinced that the previous acts of this Government go to strengthen those who advocate the power of Congress; and because, not only my colleague, but other members with whom I shall have the honor to vote on this occasion, have assailed the legitimate authority of precedents.

The very able detail and commentary of legislative precedents and official executive opinions, which have been so eloquently dwelt on by my honorable colleague, (Mr. TUCKER,) exempts me from the necessity, even if I had the ability, of discussing them. Indeed the Committee must be convinced that the authority of Congress to construct roads, as far as the construction contended for can be supported by precedents, is fully proved. I will almost venture to assert, that gentlemen who oppose the power of Congress are ready to admit that the power is established, as far at least as it can be established by precedent; else, why has my colleague (Mr. BARBOUR) resorted to the unusual course of denying all authority of precedents—a position involving the endless absurdity of forcing us to ten thousand decisions of a Constitutional question, which, after all, according to his theory, would leave the same question undecided through all futurity? Else, why has another honorable colleague, (Mr. A. SMYTH,) when speaking of the previous acts and executive reports of the Government, been driven to something like harshness of accusation against Albert Gallatin and others, in whom we have been accustomed to confide? a resort which, I know, was painful to my colleague, and could only have been justified in his own mind by the extreme pleasure which he felt from the authority of precedents.

The Committee will remember that the advocates of the power of Congress to construct roads, insisted that the authority to do so was comprehended in the express power to *establish post roads*. To this my colleague, (Mr. BARBOUR,) in further prosecution of the idea of the Constitution being a treaty, replies, that the right of this Government, with regard to post routes, is only a *right of passage* through the country, granted by the sovereign power of one country to the sovereign of another. But the chairman of the

select committee has shown that a grant of the right of passage must comprehend the right of repairing or constructing roads through which it is necessary to pass. Vattel, in book 3, chapter 7, sections 130 and 134, in treating of the right of passage, as granted by one sovereign to another, informs us that it includes every thing, without which it would not be practicable; that the sovereign thus passing may, towards rendering the right effectual, even exercise some of the attributes of sovereignty whilst on the territory of his neighbor; for he may exercise military discipline on his officers and soldiers, and he is only bound to make a just reparation or compensation for damages occasioned by the operations of encamping, entrenching, &c. If this Government has only the right of passage, it must, by the principles of national law, have the right of repairing or constructing roads, without which that right cannot be exercised with convenience, and sometimes could not be exercised at all; and must also be entitled to exercise the attributes of sovereignty, which protects the exercise of the right. This would justify legislative regulations for the preservation of the roads she repairs, during the time of the continuance of this right of passage, which is coextensive with the duration of our Constitution. Every sovereign that enters another territory in his sovereign character, does so as an enemy or as an ally: if as an enemy, the rights of conquest entitle him to make and demolish roads at his own pleasure; if he passes as an ally, and by consent, we have seen that he may make or repair the roads of passage during the continuance of his right of passage, only repairing the damage occasioned thereby to others. And the fifth article of the amendments to the Constitution of the United States provides, that private property shall not be taken for public use without just compensation. But these views involve us in refinements that are scarcely tangible, and my only apology for indulging in them is a desire to examine the ingenious arguments of my colleagues. In truth, the powers of the United States in relation to post roads have no resemblance to the mere right of passage; the latter is a transient advantage, ceasing the moment the party has glided through the country, whilst the former is an existing perpetual right. The one is the mere boon of hospitality, extended to a guest, whilst the other is the property of sovereignty, and is contained among the legislative powers granted to Congress.

But it has been said, that the United States have nothing but a right of way, on which the mail may be carried. I had not expected the advancement of this idea from my colleague, after the exceptions so ingeniously and eloquently urged against the admission of precedents, as too technical to have any place in the interpretation of the Constitution; for, no term can be more peculiarly technical, than the right of way—which is one of the ten incorporeal hereditaments, of which the common lawyers treat. This Government, then, is reduced to the consideration of a humble patentee, to whom Virginia has granted the right

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of carrying a mail on her roads. Carry this refinement out one step further, and it would follow, that, for any abuse of this right on our part, Virginia might repeal the grant by a *scire facias*, to be prosecuted on the chancery side of some of her county courts. Matthew De Quester, in the reign of James I, and afterwards Manley, about the middle of the 17th century, were English subjects, who held the post office as patentees. Matthew De Quester, to facilitate the passage of the mail, might have bargained and advanced his money to the turnpike companies, to induce them to improve the roads, or he might have agreed to work his own laborers on the roads. It is true, he could make no laws to govern such objects, because the power of legislation, in relation to the post roads, had not been granted to him as it has been to Congress—a body that claims not as a private grantee, but as a supreme power of legislation.

Some of my colleagues would require this Government, on approaching the southern shore of the Potomac, to disrobe itself of the sovereignty with which it has been clothed by the people, and pass with the mail through Virginia, as any private citizen, yeoman, or beggar, may travel to mill or market. But a foreign sovereign cannot be subjected to the municipal laws of a country in which he sojourns. Nay; the laws of nations impose a duty on despotic Powers, as well as free Governments, to issue orders, or enact laws, which shall give security to the foreign sovereign, and exempt him from subjection to the civil laws. My colleagues then, who are so zealous of State rights, must see the necessity of having State laws to regulate and protect the rights of this Government, in relation to post offices and post roads; which State laws could not be enacted, unless by a resumption of legislative powers, which have been expressly granted to the Government of the United States.

My colleague, (Mr. BARBOUR) adopts an unwarrantable course of argument. If, said he, you have the right to construct roads you must have a right to take earth, stone, and gravel, with which to make them; but the Constitution gives you no authority to take these materials, and therefore you cannot construct roads. It is true, that the Constitution does not, by expressed words, grant the power to take these materials, but if it comprehends the power to construct roads (as I think has been proved by other gentlemen) then the proposition of my colleague admits, that the authority to take these materials is a necessary incident to the execution of that power. My colleague also says, that we have the power to build a navy, but that we have no authority to impress the mountain oak wherewith to build it. I will not stop here to examine the correctness of this assertion; nor will I consume your time by the inquiry, whether timber is not as essential to the building of a navy, as stone and gravel are to the construction of a road. But I must take leave to submit to my colleague this inquiry—whether, if this Government has power to build a navy, without the power to impress timber, it may not also have the power to construct roads, without the authority to impress stone and gravel?

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If the power of Congress to establish post roads comprehends neither the authority to construct or repair roads, nor any jurisdiction over such roads, the United States' Government will be obliged to carry the public mails on the roads provided by the respective States. Being thus obliged to perform this duty, upon the State roads, I pray you to solve this inquiry: Is this Government, in transporting the mail, to be confined to the public roads of the State, or may it use the private ways and roads also? If this Government be confined to the public roads, it follows, that, inasmuch as the construction, continuation, and alteration, of public roads, are under the entire control of the State Legislatures, the direction and facilities of the mail, and whole post office police, must be subject to their control. But, if this Government has the right to carry its mails on private roads also, then every private man, who has the control and direction of these private ways, will, as well as the State Legislatures, have the consequent direction of the public mail.

The public roads of the States are subject to the jurisdiction of the State Legislatures, by whom the superintendence and police of the roads are usually confided to county tribunals of police. If one or more individuals desire the construction of a new road, the opposite parties, whose interests are affected, are summoned to show cause against the establishment of the proposed road, and if no sufficient objection can be shown, the road may be established. But the respective parties often compromise their differences, before any decision is made by the road tribunals, whereby it is contracted, that a certain person, or all the persons in a certain neighborhood, or vicinity, may have a road through the lands of others, on condition that the parties to be benefited shall refrain from insisting on the establishment of a public road. These amicable arrangements have been so usually resorted to in some sections of the country, as to supersede, in a measure, the establishment of public roads; yet, the proprietor of land, who becomes bound by such local contracts, is under no obligation to open his grounds for the passage of any, except the person, or vicinity, with which he has contracted. I have travelled three-fourths of a day in Maryland, on a direct course, in which my whole route passed through fields and gates, which the proprietors made no objection to passing, although they might have objected to the passage of every one who were not within the purview of the contract in pursuance of which the gates had been erected.

I now beg leave to propound a simple question: Can the United States force the passage of its mails through the private ways and gates that I have mentioned? If you answer in the negative, it hence follows, that the most eligible, and, indeed, necessary mail routes may be defeated, or impeded, not only by each State, but by combinations of neighbors, and sometimes by a single individual, in any State. But if you answer in the affirmative, by declaring that the

United States may force a passage for her mail through these gates, then the whole question of the power of Congress is yielded to us; for the Government may force or break the locked gates, to effect the passage; and seeing that such *force* is the same sort of power which is declaimed against, with regard to the improvement or construction of roads, it must follow that this Government must stop and surrender its authority on the encounter of every such gate, or exert the same powers which are sufficient for the construction or repair of post roads. I know that my colleagues will not yield to this Government a mere provisional jurisdiction to open roads, when the States shall have omitted or refused to do so; for they declare that no act, consent, or conduct, of the State Government, can confer any power on the General Government, of which it is destitute. But, should they yield this point to the General Government, upon it would devolve the power of deciding whether the roads of the States were ample and convenient for the mails, and the power to determine and control this question would comprehend every umirage over public roads that the friends of these resolutions contended for.

Several of my honorable colleagues, addressing you in the name of Virginia, have strongly protested against infringement on State sovereignties. In this, my colleagues pursue the *bent* and spirit of our native State, which has always occupied the front, in guarding against the encroachments of the Federal Government. But, if my colleagues, in continually assuming Virginia the heroine or prepositus, in every instance of illustration, have only indulged in an excusable resort to homestead pride, knowing their liberality, I can readily foresee their readiness to yield, that I may consider myself, for a while, the advocate of our State. They have exhibited our State in every attitude of hostility to, or at least defence against, the force of the General Government; and I now ask, that I may be considered as *Virginia* for the moment in which I shall continue to occupy the floor. I would then remind you, in behalf of my native State, that she has surrendered to you the great and efficient sources of revenue, with powers that impose on the General Government correlative duties, or obligations of equal extent. Among other important delegations of power, is included the legislative authority on the subjects of the post offices and post roads. On this delegation of authority, you have (without any question of jurisdiction) built a department and superstructure that yields a revenue of considerable amount. This revenue is your property, and cannot be encroached on by the States; but the States, in surrendering to you the Post Office Department, although conferring with it all its incidental powers, did not mean, in regard to your relations with them, to create a mere source of revenue in your favor. The Post Office Establishment has become a considerable source of revenue to you; you extend its ramifications to a great area. I therefore require you to support it

with your own revenue, and apprise you, that it is unreasonable and unjust, that you should, while deriving so great a revenue from that establishment in Virginia, require that State, without any participation of profit, to incur the labor and expense of working roads, on which you are to derive and collect this great revenue. In behalf of the citizens and landholders, I appeal to the fifth article of the amendments of the Constitution of the United States, which provides, "that private property shall not be taken for public use without just compensation."

I confide, that gentlemen who have preceded me in this debate, have proved, to the satisfaction of a majority of the House, that this Government has the power to construct military roads. This power, however, is denied by our opponents; and an honorable colleague (Mr. A. SMYTH) insists that the power to make military roads arises out of the emergencies of war, and ceases with the necessity, which justifies its exercise in a state of warfare. But in war, military roads are useful and necessary only for the passage of troops, provisions and military munitions; and, as the United States employ an army in times of peace, it is necessary to have military roads to effect the same objects at all times. My colleague (Mr. A. SMYTH) has been candid enough to admit that the United States may subscribe its money in the stock of companies incorporated for purposes of internal improvement, and the consequence which will necessarily follow from another principle he has recognised, will, I think, compel him to join our side of the question. He admits that the power to establish military roads exists in this Government; but insists that it is a military power, which belongs to the President of the United States as commander-in-chief of our army, (that is, to the Executive department,) and not to Congress. Permit me now to call his attention to the last clause of the eighth section of the Constitution of the United States, by which Congress not only has the power to make all laws which shall be necessary and proper to carry into execution its ordinary powers, but all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. If the Congress has authority to make laws to carry into execution the powers vested in any department or officer of this Government, it must follow that, if the Executive department has the right to construct military roads, Congress may make laws to carry its power into execution; and this is all that the resolutions before us contend for. I cannot omit a review of one ground assumed by my honorable colleague, (Mr. BARBOUR,) which, according to method, ought to have been sooner noticed. He states that the Legislature of Virginia, in conferring jurisdiction on the county courts to open and alter public roads, has always paid a proper respect to the obligations imposed by the Constitution of the United States, by provisions that the courts should not have the power of discontinuing *post* roads. The State authorities then possessing the power to open a new road from one place to another,

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but no power to discontinue the old road, which is a post road, the old road which must be kept in repair by expenditures, must be worked by the State or by the United States; if, by the United States, the question is yielded to us, that this Government may employ labor on roads. But, if it be said that the State is bound to work and repair the old road, of no use but as a mail route, it would not only follow that the State subjects itself to an expense and labor to support the revenues of the United States, but, that the right to have these repairs made by the State, existing in this Government, it must, of consequence, possess the correspondent remedy to compel the States to furnish these repairs; and I may safely submit to my colleague, whether he would prefer to suffer, nay, require the United States to work her own post roads, or consent that Virginia should become the humble subaltern of the orders of this Government, and receive its mandates to work the post roads.

Although I cannot agree with my honorable colleague (Mr. TUCKER) that the assent of the States is essential to the exercise of our power to construct roads, I deem such assent as material whenever the expediency of exercising the power shall come in question; and I shall indeed vote for the proposition of my colleague, that we have the power with the assent of the States; for, if we have the power without the assent of the States, we surely have it when they assent.

On first reading the able and ingenious report of the select committee, I withheld my assent to the distinction it advances as to the different rules of interpretation which ought to pervade dissimilar provisions of the Constitution; as, that onerous powers of the Government ought to be strictly construed, whilst beneficial powers should admit of a more liberal interpretation. But, by more mature reflection, I am convinced, that whatever, in a compact, is for the equal and common advantage of all the parties, may justly be interpreted more liberally than more odious clauses, which impose burdens and hardships on one of the parties. And conceiving that national improvements tend to the benefit of all, I yield my assent to those who liberally expound our great charter; and instead of detaining the Committee with self-made arguments on this topic, I must beg leave to refer them to the second book of Vattel, chapter seventeenth, the authority of which will surely be admitted by gentlemen who are determined to view our Constitution as an international treaty.

I will no longer detain the Committee, but by way of conclusion must enter my protest against the scheme of interpreting the Constitution by what gentlemen are pleased to call an invocation of the principles of the revolution of 1793. This invocation is adverse to the just and liberal views which have hitherto characterized this Congress, and, without adverting to the merits or demerits of either of the old parties, it may be said that the annals of contending factions cannot be relied on as furnishing correct illustrations of political truths; and for myself at least, I must say,

that in this, as in every other question, I choose to rely on my own judgment.

Mr. ORR, of Massachusetts, said, that, in rising on the present occasion, he was well aware of the danger of having imputed to him a great degree of insensibility, or a still greater degree of assurance—for, he had long since observed, that the patience of the Committee was exhausted. And he could assure the Committee, that he should not have entered into the debate at this late stage of it, had he felt convinced that no further argument, in opposition to the resolutions on the table, could be urged; but, the subject was, in its nature, complex, and admitted of great diversity of illustration; and, notwithstanding it had been ably argued by the honorable gentlemen who had preceded him on the same side, he could not feel reconciled to giving a silent vote.

In all that has been urged in argument, in support of the power contended for, no gentleman, said Mr. O., has condescended to inform us, what are the nature and character of that power. It has been generally said to be a resulting power, an incidental power. But this is no definition that conveys any distinct idea of its nature, its political bearing on society, its rank in the register of State authorities. Then, sir, as this has not been done, I will venture to assign it a name and a rank; and I do, without hesitancy, pronounce it to be nothing short of a substantive attribute of supremacy, of high State prerogative—a power to turn rivers from the channels which nature has assigned to them, and to subvert the soil of the citizen, and convert it to public use, without his consent, express or implied. It is the same degree of power as that, which can take the life of an offender against public justice, confiscate his estate, subject him to attainder and corruption of blood. This being the nature of the power contended for by the advocates of the resolutions, by whatever mode of reasoning they may have arrived at the consciousness that Congress possess it, I will proceed, said Mr. O., to examine whether it is, in reality, to be found in the Constitution. But, before I examine that, I will avail myself of the sentiments expressed by the honorable gentleman from Virginia, (Mr. PINDALL,) who has just sat down, that the best mode of understanding the force of terms, the weight of precepts and precedents, is to have recourse to contemporaneous expositions of the things to which they are applied; to this I fully assent—for terms may change with time, while particular subjects, to which they apply, admit of no change. And I go still farther, sir; we may go even behind contemporaneous exposition of precepts and precedents, as applicable to maxims of State government; and, on the present occasion, I feel it to be necessary, not only to refer to the character of our statesmen at the time of the formation of the Constitution—but the origin and progress of that political science which brought it into existence. I proceed, then, to the foundation of our political institutions: these were the ancient charters of our ancestors, first of Virginia, then of Plymouth, and others in succession; and it is

well worthy of remark, that almost all the defined powers of Parliament were conveyed in these charters to the colonies, by the Crown, in right of prerogative. Parliament had no power, either over the emigrants or the soil, and the Crown exercised a power towards both, that could not be exercised towards soil or subject, within the Kingdom; but in addition to Parliamentary powers, even Crown prerogatives were conferred on the colonists; and, with these chartered privileges, they commenced in the New World the operations of Government, each within prescribed limits of jurisdiction. From these grants, there was originally scarce anything left for the Crown, and, I should say, nothing at all for Parliament. Allegiance was due and acknowledged, but all powers essential to the internal government of the people, were, by them, exercised by their respective grants of territory and jurisdiction; their powers to make laws were ample; and they extended as well to all jurisdictions, liberties, privileges, immunities and franchises, as to soil and person. Here, then, sir, is the origin, of the power to make roads and canals; the power to create corporations; the power to govern within the colonial limits, and even to carry on war. It is not to conquest, to the revolution, these powers are assignable—they originated in grant, and were embodied into system—they were in full operation, till usurpation embarrassed them, and then came the Revolution, and snatched from the Crown the brightest ornament in the colonial wreath. Allegiance and fidelity were no longer due. It matters not, that the charters were occasionally infringed, altered, and even cancelled. The maxims of government were the same—once adopted, they were always retained through every scene of adversity. In the Plymouth colony, which led the way in the North, and was similar in its government to all in its vicinity, their ordinances respecting the laying out of roads, and their proceedings under them, were among their early acts of power; and the principle then adopted, as a rule between the public and the individual whose lands might be taken, has never been essentially changed. It is unnecessary to proceed further to show the origin and exercise of the power. The other colonies, under various modifications, enjoyed the same essential rights by charter, and exercised the same powers in virtue of it. Well, sir, the declaration of our independence acknowledged all these organized bodies to be free, sovereign, and independent States. All the attributes of government were theirs, and they were sustained by a people accustomed to exercise them with all the ability incident to political experience, and continued so to be exercised till the adoption of the Constitution, under which you are now legislating. Well, sir, let me ask, if any of the framers of the Constitution could ever have imagined, educated, as they were, in the school of politics, that the power to divert rivers to artificial courses, to lay open the enclosures of individuals for roads, from one end of the State to the other, without their consent, express or implied, passed into the hands

of Congress by implication? Is the power contended for inferior in degree to any that is expressly granted in the Constitution? And can one power of equal degree result from another? It has not been contended by the advocates of the resolutions, that any but the supreme arm of State can effect the purposes contemplated—indeed, it cannot be contended.

In looking into the specified powers granted to Congress, there appears to be great precision used, and even minuteness, that nothing substantive might be left to incident. It was not sufficient to give the power to declare war and leave the raising of armies to be inferred, but both powers are expressly given, and, yet how very intimate is the connexion! The great objects of the powers granted, were but few. The derangement of the internal police of the States was as much as possible guarded against, consistently with the attainment of revenue, the control of our relations abroad, and of physical force at home.

But, if it could be for a moment doubtful, whether the power contended for be incidentally given in the specified powers, it seems to me, that the ninth and tenth articles of the amendments of the Constitution might put the question at rest. And, I will take the liberty, Mr. Chairman, to read them, for, there is not a word of them but what is weighty. "The enumeration, in the Constitution, of certain rights, shall not be construed to deny, or disparage others retained by the people." "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Now, sir, permit me to inquire if these amendments were not well understood, in their import, by those who use them. "The enumeration of certain rights shall not impair others retained by the people." What are rights retained by the people? Their soil and their rivers, or they have no rights. The gifts of nature are theirs. The soil, secured to them by their charters, by the common law, by the constitutions and laws of the States, is theirs; and, Congress has no legitimate power to lay a hand upon it; it would be an act of usurpation. I take the liberty to use the word usurpation, for the honorable gentleman from Virginia, on my right, (Mr. NELSON,) of far greater experience than myself, has set me the example, and, indeed, in my opinion, it is the most apt word that can be selected. Again, sir, the powers not delegated are reserved to the States, or the people. What powers are here meant? State powers, certainly—powers perfectly familiar to those who adopted the language, but, more especially, to those who proposed this amendment; both these amendments were recommended in substance, as well as many others which were not adopted, by the State conventions. The meaning, therefore, cannot be doubtful. Thus, then, the rights and powers relating to the subjects, embraced in the resolutions on your table, belong, expressly and exclusively, to the States and the people.

If, yet, however, there remains a doubt, I will

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proceed still further, in my endeavors to remove it. I trust it will not be contended, by any of the honorable gentlemen opposed to me, that, if the framers of the Constitution, upon a proposition to insert any specific additional power, rejected that proposition, still, that power might be inferred. I speak, now, of sovereign power, as great as that which is contemplated by the resolutions under discussion. If I am right, in this supposition, I persuade myself, that the Committee may be brought to pause, before they adopt the resolutions. For, at the time of the making of the Constitution, a distinct proposition was made, to give Congress the power to make canals, and the proposition was rejected. In the written arguments, between Mr. Jefferson and Mr. Hamilton, on the bank question, in 1791, it was contended, by the former, then Secretary of State, that the power to incorporate the bank was unconstitutional, and stated the rejected proposition to be broader than was admitted by his opponent, but the Secretary of the Treasury, Mr. Hamilton, admitted, that a proposition to give Congress power to make canals had been rejected. And, yet, by construction, we are to derive a power, not only not granted, but expressly withheld, in the amendments of the Constitution, which I have before spoken of, and which, from extraneous evidence of facts which transpired in the body that framed our Constitution, it is most apparent, was never intended to be given. Sir, it is singular, that a lapse of thirty years should have made it to appear, that the men, in whose wisdom the nation put great confidence, were really ignorant of what they had done, and that powers then clearly and expressly withheld are not as clearly conferred by the Constitution, by implication. "Words are things," said the famous Mirabeau, and, whenever that is the case, I shall conclude that words have ceased to be the true signs of things.

But, in order to obviate all difficulties, you propose to exercise the power with the consent of the respective States, and that they shall have jurisdiction over the property taken for public use. By the word "State" in the resolutions, is meant the State Legislatures. Now, it seems never to have entered into the inquiry of any of the honorable gentlemen opposed to me, whether or not the State Legislatures have the power ascribed to them. This is taken for granted, and it is certainly the easiest way of proceeding with the argument. But, I am induced to call on the honorable gentleman from Virginia (Mr. PINDALL) to show me the constitution of any one of the States in the Union, which, upon any fair construction, enables its legislature to transfer any of the appropriate functions of the State authorities to Congress. And, if any one such constitution could be produced, I should call for one after another, till the whole twenty were found to contain the requisite provisions, for, if one should be deficient, your whole plan is partial and impracticable. If, however, the gentlemen still prefer to assume for the State Legislatures, this power, as being contained in their constitutions, I will venture upon the task of controverting the facts

thus assumed. The constitution of a single State is sufficient. I will select that of Connecticut. And what is that constitution? The charter of Charles the Second. Now, sir, this charter contains no provision whatever that would authorize the Legislature of that State to negotiate the functions of the constituted authorities of that State to the Congress of the United States. And, it is equally vain to look into any other State constitution that has come within my notice for any such power, express or implied. But, it has been contended, by the honorable Speaker, that the consent of the State is not necessary to the exercise of the power, and other gentlemen have advanced the same doctrine, while, yet, other honorable gentlemen, on the same side, insist on the necessity of State consent. If, indeed, the consent contemplated is not essential to the power, it would seem hardly necessary to be passing legislative compliments with the States, on the subject; and, I apprehend, such a course is not merely harmless. For, as was observed on a former day, by the honorable gentleman from Virginia, on my left (Mr. SMYTH) with great truth, you hold up your purse to the State Legislatures, as a temptation. And, what is the Legislature to do, in such a case? They must either violate the trust reposed in them by their constituents, or take your assumed construction of their constitution, and accept your *bonus*.

Sir, before engaging in this kind of legislation, they should tear up their constitutions, and give them to the winds, and your decrees should be their rule of action. But suppose, Mr. Chairman, that some of the Legislatures, by the high authority of a decision of Congress to guide them—the *bonus* being also set before them—should determine that by their constitutions they really have the legislative and conventional powers ascribed to them, and should actually pass such a law as is contemplated; the members of such a Legislature, it is to be recollected, are not the beings of a day; and the people, dissatisfied with their past conduct, might return others in their place, and these repeal the law of the former—what would then be your answer to the second, the repealing law? It would be this: that the first law was a contract, and that the second, repealing it, would impair the obligation of that contract, and would be void by the Constitution. Thus, by the act of a single Legislature, elected for a year, you determine the destinies of the citizens and State governments on this subject forever. It has been strongly contended by the honorable gentleman from Virginia, before me, that legislative precedents ought to have weight; and, in the sense in which he has explained the subject, I do not dissent from the doctrine. Precedents that infringe no right may well be a rule of legislative economy; but precedents against the exercise of power are very insignificant; precedents against power are vanity—a mere gossamer. Noregardis generally had to such precedents. But, what are precedents in favor of power—assumed power? These are the bolts—the rivets of chains—and are difficult to be broken by the

arm of legitimate authority. When they yield, it is commonly to the strong power of insurrection.

But, with regard to precedents applicable to the present subject, none have been adduced which seem to me to be appropriate. The laws establishing the banks have been referred to, but they have no analogy to the present case; and if they had, there has been no consistency of decisions on the subject. The decisions are both ways, and therefore go for nothing, even if legislative precedent could be for a moment admitted to determine the construction of the Constitution. With regard to the bank, it is unnecessary to admit or deny its constitutionality, in discussing the present subject. I observe that some of the State Legislatures propose taxing the stock. In the practical operation of the bank, there is no doubt it is injurious to State institutions of the same kind, as its branches are extended through the States of the Union. Similar State institutions in Massachusetts have yielded a revenue of fifteen thousand dollars, from a tax laid on their capital stock, which has been applied to the support of her literary institutions, while the Branch Bank of the United States is free from such a tax. I will not digress further from the subject, but return for a moment to the subject of precedents; not because I consider it intrinsically important, but because it has been urged upon the consideration of the Committee with great zeal and ardor. The Cumberland road has been adduced, and for aught appears, the law respecting it passed without a moment's consideration upon the constitutionality of the measure; and if so, it is entitled to no weight whatever. The purchase of Louisiana is in no point analogous. The express powers of making war and peace render the acquisition of lands, without the limits of the States, subject to the rules of war and of the treaty-making power. The design of war is conquest, and an enemy is to be followed into his own dominions, if practicable and necessary, and his territory is acquired by force, by the laws of war, which Congress have an express power to declare. The war ceases in virtue of this also that the conquered or other lands may be ceded for the benefit of the people. There is another kind of precedent alluded to, as well in the report as by gentlemen in argument, the expenditure of money for charities, public buildings, books, ornaments. It is not certain that the trustees of the public money have always applied it to the best possible purposes. But there is a sensible difference between applying it to improvident or useless purposes, and employing it to assume power and subvert right. The difference is easy of illustration. If I employ a factor to dispose of my chattels, and vest the proceeds in stocks, it is merely a breach of trust, if he apply the money in schemes of his own devising; but, if he employ the money to subvert my soil, and divert my water-courses, this is a violation of my rights. Yet, both of us might agree to this intermeddling with the soil and the streams, when there was an outstanding title in the estate, a mortgage, or

other beneficial interest; and if the proprietor of that interest should neither be consulted nor regarded, his rights would be violated. And this, sir, is precisely the case before the Committee. The people would have no rights, but in Congress and the State Legislatures, according to the doctrine contended for, and still the Constitution determines it to be otherwise.

Sir, there is no agreement among the advocates of the resolutions on your table. Some find the power contended for in almost all parts of the Constitution; some find it absolute, others incidental; to provide for the common defence and general welfare, gives it; to make and carry on war, gives it; to regulate commerce, and to establish post offices and post roads, give it. The honorable Speaker has contended, that the power to establish post offices and post roads, is the power to make them. But I cannot accede to this doctrine. I cannot, consistently with the dignity of this body, condescend, Mr. Chairman, to quibble about the word establish. I will attempt a fair explanation of it: The subjects to which it may, with propriety, be applied, must determine its import. Its most common and appropriate application is, to particular modes, accidents, or qualities, of things existing. But it can seldom, if ever, with propriety, be applied to the formation of things, by mechanical or other manual labor. You would not ask an artificer to establish you a ship, a coach, a suit of clothes. Neither, when a law is passed or made by Congress, can it be said, with any propriety of language, that the law is established. But, if a point in dispute, arising out of that law, should be decided in a court of justice, the law upon that point would be established. There have also been adduced, from the Constitution itself, instances of the use of this word, to show it to be synonymous with make or construct. The first instance that occurs, is in the preamble, where it is declared, that the Constitution is formed, among other things, to "establish justice." It must be obvious, at first thought, that justice is of higher origin and greater antiquity, than the Constitution; and, when courts of justice are said to be established, the meaning is, that a quality is conferred on men, to try causes, and establish points of law. The plain meaning of this clause of the Constitution, according to my understanding of it, is, that certain towns and villages shall be designated in parts of the country where civilized society resides, and such society shall be accommodated with a conveyance by the public agents for their letters and newspapers. They are entitled to this beneficence no longer than their roads will admit of it.

As to the power to regulate commerce, I cannot perceive how the power contended for results from that, especially as there would be no limit to your results; for public markets, corporations with particular privileges, and commercial wants, with an infinity of other resulting powers, would necessarily follow in succession. The first would be usurpation, and then another, and another. At the first, therefore, I should say, stand off. I will

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suppose, however, that your road was actually made and furnished with all its agents, superintendents, surveyors. The State is to have jurisdiction over it; they shall punish felonies and misdemeanors committed upon it. But what is to be done if the State suffers obstructions to be erected upon your road, and neglect to interpose their authority? You will then send a platoon, I suppose, to supply the place of authority. Again, what character is your road to have? Is it not to be the highway of the United States, and a proper subject of negotiation as to its use, in exchange for an equivalent? To facilitate commerce in peace, and approaches in war, your road is made from Maine to Canada, it may be supposed, altogether commodious for passing between New Brunswick and Canada. Will you grant the use of it, by treaty, for British troops, passing between the two colonies, in exchange for some advantage of commerce to the West Indies? Then, should the standard of revolt be raised in the Canadas, your road, and its borders, would be turned into a theatre of warfare, and that in direct violation of Constitutional rights. In time of war, let the laws of war govern; in peace, prepare for it by Constitutional means only. It is sufficient to resort to the law of necessity when all others are insufficient. The close of the long series of calamities which have passed in succession before us, seems not to require any unusual, any untried schemes of aggrandizement of power. In pursuit of these objects, we have seen the Old World in constant convulsions for more than twenty years. The passions of men were there moulded to a ferocity exceeding the fiercest tenant of the forest. Human sacrifice, by human hands, was the ordinary work of the day—it was brought into system. Justice and humanity ceased to be the signs of merit. Ambition swallowed up all subordinate sensations of the heart, and the air was constantly rent with shouts and acclamations of victorious war, while the earth groaned with the miseries of the fallen. In fine, sir, the genius of destruction, the destroying angel, was commissioned and let loose upon the world; and, from the burning deserts of the South, to the frozen regions of Siberia; from the Indies to the western limit of the Old World, all felt the vengeance of his arm, the blast of his wings. But the Old World was too narrow for the fulfillment of his commission. We have seen him on the ocean, a witness to scenes of conflict, when our own approached an enemy's ship, close and terrible, but in no measure doubtful. We have seen him on our Atlantic shores; in the North; in the West. And here, sir, in our own dominions, his dread commission was closed—and it may be said, without imputation of ostentation, that he imprinted the word "victory" on our national banner, and retired from the world. All was instantly a calm. We look back on the mighty spectacle without the power to grasp it, even by the efforts of imagination. We are confounded by the awful grandeur of realities in history, which have been witnessed in our own days. No period since the existence of the world

is to be named with it, and none can be imagined as probable in future ages. In the calm of the present moment, we are called upon to legislate, as if another similar period were at hand. Sir, I repeat, I would always be prepared for war, but prepared according to the dictates of sound discretion, in apportioning the means to the occasion. But especially would I avoid even the appearance of encroachment on vested rights, when the imperious law of necessity makes no demand of it.

I do not consider, Mr. Chairman, that the stipulation in your resolutions to give an equivalent for the property you may take, in the exercise of the power contemplated, is of the smallest importance. There can be no equivalent for rights seized upon. The laws of the respective States have established the mode, the process by which the individual may be divested of the use of his property for the public benefit, and, by the constitutions and laws of some of the States, there are some kinds of privileged property which cannot be taken in the ordinary administration of such constitutions and laws. The right, to be heard in the courts established to adjudicate on this subject, is a vested right in every individual.

I have hardly thought it necessary to advert to arguments founded on a supposed analogy, between expending money for building light-houses, purchasing a library, paintings, and making charitable or honorary gifts to the proposed objects of expenditure in the resolutions. Sir, there is no exercise of power in all this, that may not be exercised by an individual. He may build a house and ornament it, or he may place it on a promontory and light it up in the night for the benefit of the merchant and mariner; but there is really nothing of analogy, that I can perceive, in the nature of the case.

Mr. Chairman, I will touch but one subject more, and that briefly. The measure in contemplation, if carried into effect, must pervade the whole system of State and municipal authorities, and impair the vested rights of innumerable corporations, who have virtually the faith of their States pledged not to admit so powerful a competition as the Congress of the United States to the exercise of the functions of those institutions. The honorable Speaker has seen fit to introduce the letter of the "Father of his Country" to the President of Congress, stating, among other things, that the Convention had kept in view "the consolidation of our Union." Sir, the consolidation of our Union is essentially different from a consolidation of the States and their definite powers—the one is the cement of your marble, the other the chemical process that dissolves it to a rude unformed mass. I agree with the honorable Speaker, that we are one family, and that the good of all is to be consulted. But, sir, it is never to be forgotten, that we are a family by affinity, and inhabit distinct apartments of the political edifice. You hold the upper loft of the same edifice. I would be cautious of enlarging the avenues to these different apartments now harmoniously governed by their occupants; but, espe-

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cially, I would not remove the partitions, for in this operation even the pillars must be swept away, and your superstructure fall into ruins. From these ruins would be moulded, by the hand of faction, a stupendous despotism, splendid in armor, but terrific in aspect, gigantic in power, relentless in the exercise of it; every voice that should be heard in support of our expiring liberties would be silenced; every arm that should be raised in their defence would be paralyzed—smitten off.

I would, therefore, not venture hastily on experiments which tend to blend or confuse the powers of our political institutions; but, with a scrupulous care, would leave no means untried to protect all, and hand down to posterity that great body of National and State rights and privileges, which we have derived from the wisdom, the valor, and the blood of our fathers.

Mr. CLAY said, that he had been anxious to catch the eye of the Chairman for a few moments, to reply to some of the observations which had fallen from various gentlemen. He was aware that, in doing this, he risked the loss of what was of the utmost value—the kind favor of the House, wearied as its patience was by this prolonged debate. But, when he felt what a deep interest the Union at large, and particularly that quarter of it whence he came, had in the decision of the present question, he could not omit an opportunity of earnestly urging upon the House the propriety of retaining the important power which that question involved. It will be recollected, said Mr. C., that, if unfortunately there should be a majority both against the abstract proposition asserting that power, and against its practical execution, the power is gone forever—the question is put at rest so long as the Constitution remains as it is; and with respect to any amendment, in this particular, he confessed he utterly despaired. It would be borne in mind, that the bill which passed Congress on this subject at the last session, had been rejected by the late President of the United States; that, at the commencement of the present session, the President had communicated his clear opinion, after every effort to come to a different conclusion, that Congress did not possess the power contended for, and had called upon us to take up the subject in the shape of an amendment to the Constitution; and, moreover, that the predecessor of the present and late President had also intimated his opinion that Congress did not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this House, after a deliberate review of the ground taken by it at the last session, had decided against the existence of it, (if such fatally should be the decision,) the power, he repeated, was gone, gone forever, unless restored by an amendment to the Constitution. With regard to the practicability of obtaining such an amendment, he thought it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, would unite and defeat such an

amendment; one embracing those who believed that the Constitution, fairly interpreted, already conveys the power, and the other, those who think that Congress have not, and ought not to have it. As a large portion of Congress, and probably a majority, believed the power already to exist, it must be evident, if he were right in supposing that any considerable number of that majority would vote against an amendment which they did not believe necessary, that any attempt to amend would fail. Considering, as he did, the existence of the power as of the first importance, not merely to the preservation of the Union of the States, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us, said Mr. C., solemnly, and deliberately, and anxiously, to examine the Constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created, as to the nature of the power, by bringing up the old theme of "State rights," he would observe, that if the illustrious persons just referred to were against us in the construction of the Constitution, they were on our side, as to the harmless and beneficial character of the power. For it was not to be conceived that each of them would have recommended an amendment to the Constitution, if they believed that the possession of such a power by the General Government would be detrimental, much less dangerous to the independence and liberties of the States. What real ground was there for this alarm? Gentlemen had not condescended to show how the subversion of the rights of the States was to follow from the exercise of the power of internal improvements by the General Government. We contend for the power to make roads and canals to distribute the intelligence, force, and productions of the country through all its parts; and for such jurisdiction only over them as is necessary to their preservation from wanton injury, and from gradual decay. Suppose such a power is maintained, and in full operation; imagine it to extend to every canal made or proposed to be made, and to every post road, how inconsiderable and insignificant is the power, in a political point of view, limited as it is with regard to place and to purpose, when contrasted with the great mass of powers retained by the State sovereignties! What a small subtraction from that mass! Even upon those roads and canals the State governments, according to our principles, would still exercise jurisdiction over every possible case arising upon them, whether of crime or of contract, or any other human transaction, except only what immediately affected their existence and preservation. Thus defined, thus limited, and stripped of all factitious causes of alarm, Mr. C. would appeal to the dispassionate candor of gentlemen to say, if the power really presented anything frightful in it? With respect to post roads, our adversaries admit the right of way in the General Government.

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There had been, however, on this question some instances of conflict, which had passed away without any serious difficulty. Connecticut, if he had been rightly informed, had disputed, at one period, the right of passage of the mail on the Sabbath. The General Government persisted in the exercise of the right, and Connecticut herself, and everybody else, acquiesced in it.

The gentleman from Virginia (Mr. H. NELSON) has contended, Mr. C. continued, that I do not adhere, in the principles of construction which I apply to the Constitution, to the republican doctrines of 1798, of which that gentleman would have us believe he is the constant disciple. Let me call the attention of the Committee to the celebrated State paper to which we both refer for our principles in this respect—a paper which, although I had not seen it for sixteen years until the gentleman had the politeness to furnish me with it during this debate, made such an impression upon my mind, that I shall never forget the satisfaction with which I first perused it. I find that I had used, without having been aware of it, when I formerly addressed the Committee, almost the identical language employed by Mr. Madison in that paper. It will be recollected that I claimed no right to exercise any power under the Constitution, unless such power was expressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive the power from the clause which authorizes Congress to appropriate money. I have been contented with endeavoring to show, that according to the doctrines of 1798, that according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others. [Here Mr. C. read sundry passages from Mr. Madison's report to the Virginia Legislature of an answer to the resolutions of several States, concerning the alien and sedition laws, showing that there were no powers in the General Government but what were granted, and that, whenever a power was claimed to be exercised by it, such power must be shown to be granted, or to be necessary and proper to carry into effect one of the specified powers.] It would be remarked, Mr. C. said, that Mr. Madison, in his reasoning on the Constitution, had not employed the language fashionable during this debate; he had not said that an implied power must be absolutely necessary to carry into effect the specified power, to which it is appurtenant, to enable the General Government to exercise it. No! Mr. C. said, this was a modern interpretation of the Constitution. Mr. Madison had employed the language of the instrument itself, and had only contended that the implied power must be necessary and proper to carry into effect the specified power. He had only contended that when Congress applied its sound judgment to the Constitution, in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These, said Mr. C., are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion.

They contend for a degree of necessity absolute and indispensable, that by no possibility could the power be otherwise executed.

That there are two classes of powers in the Constitution, Mr. C. believed never to have been controverted by any American politician. We cannot foresee and provide specifically for all contingencies. Man and his language are both imperfect. Hence, the existence of construction, and of constructive powers. Hence, also, the rule that a grant of the end is a grant of the means. If you amend the Constitution a thousand times, the same imperfection of our nature and our language will attend your new works. There are two dangers to which we are exposed. The one is, that the General Government may relapse into the debility which existed in the old Confederation, and finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And, I think, with great deference to the gentlemen on the other side, this is the danger to which their principles directly tend. The other danger is, that of consolidation by the assumption of powers not granted nor incident to granted powers—the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798–9. For instance, in that direct contradiction to a prohibitory clause of the Constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions of the Constitution. It was by such measures that the Federal party, (if parties might be named,) throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, he thought it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of this country, as he believed, would never have occurred.

Mr. C. begged the Committee—he entreated the true friends of the confederated Union of these States—to examine this doctrine of State rights, and see to what abusive, if not dangerous, consequences it may lead, to what extent it had been carried, and how it had varied by the same State at different times. In alluding to the State of Massachusetts, he assured the gentlemen from that State, and particularly the honorable chairman of the committee to whom the claim of Massachusetts had been referred, that he had no intention to create any prejudice against that claim. He hoped that, when the subject was taken up, it would be candidly and dispassionately considered, and that a decision would be made on it consistent with the rights of the Union and of the State of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman (Mr. MASON, of Massachusetts) to whom he had alluded, would, if he had been otherwise inclined, prevent him from endeavoring to make impressions unfavorable to the claim whose justice that gentleman stands pledged to

manifest. But, in the period of 1798-9, what was the doctrine promulgated by Massachusetts? It was, that the States, in their sovereign capacities, had no right to examine into the Constitutionality or expediency of the measures of the General Government. [Mr. C. here quoted several passages from the answer of the State of Massachusetts to the Virginia and Kentucky resolutions concerning the alien and sedition laws, to prove his position.] We see here an express disclaimer, on the part of Massachusetts, of any right to decide on the Constitutionality or expediency of the acts of the General Government. But what was the doctrine which the same State, in 1813, thought proper to proclaim to the world, and that too when the Union was menaced on all sides? She not only claimed, but exercised, the right which, in 1799, she had so solemnly disavowed. She claimed the right to judge of the propriety of the call made, by the General Government, for her militia, and she refused the militia called for. There was so much plausibility in the reasoning employed by that State in support of her modern doctrine of "State rights," that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times and under other circumstances, she would very probably have escaped a great portion of that odium which has most justly fallen to her lot. The Constitution gives to Congress power to provide for calling out the militia to execute the laws of the Union, to suppress insurrections and to repel invasions, and in no other cases. The militia is called out by the General Government, during the late war, to repel invasion. Massachusetts said, as you have no right to the militia but in certain contingencies, she was competent to decide whether those contingencies had or had not occurred. And, having examined the fact, what then? She said all was peace and quietness in Massachusetts, no non-execution of the laws, no insurrection at home, no invasion from abroad, nor any immediate danger of invasion. And, in truth, Mr. C. said, he believed there was no actual invasion for nearly two years after the requisition. Under these circumstances, had it not been for the supposed motive of her conduct, he asked if the case which Massachusetts made out would not be extremely plausible?

Mr. C. said he hoped it was not necessary for him to say that it was very far from his intention to convey anything like approbation of the conduct of Massachusetts. No! his doctrine was, that the States, as States, have no right to oppose the execution of the powers which the General Government asserts. Any State has undoubtedly the right to express its opinion, in the form of resolution or otherwise, and to proceed, by Constitutional means, to redress any real or even imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the General Government, much less to obstruct the execution of a law regularly passed. To suppose the existence of such an alarming right, is to suppose, if not dis-

union itself, such a state of disorder and confusion as must inevitably lead to it.

Mr. C. said, that, greatly as he venerated the State which gave him birth, and much as he respected the judges of its supreme court, several of whom were his personal friends, he was obliged to think that some of the doctrines which that State had recently held concerning State rights, were fraught with much danger. Had those doctrines been asserted during the late war, and related to the means of carrying on that war, a large share of the public disapprobation which has been given to Massachusetts, might have fallen on Virginia. What were these doctrines? The courts of Virginia have asserted that they have a right to determine on the Constitutionality of any law or treaty of the United States, and to expound them according to their own views, even if they should vary from the decision of the Supreme Court of the United States. They have asserted more—that from their decision there could be no appeal to the Supreme Court of the United States, and that there exists in Congress no power to frame a law, obliging the court of the State, in the last resort, to submit its decision to the supervision of the Supreme Court of the United States; or, if he did not misunderstand the doctrine, to withdraw from the State tribunals controversies involving the laws of the United States, and to place them before the Federal Judiciary. I am a friend, said Mr. C., a true friend to State rights; but not in all cases as they are asserted. The States have their appointed orbit; so has the Union; and each should be confined within its fair, legitimate, and Constitutional sphere. We should equally avoid that subtle process of argument which dissipates into air the powers of this Government, and that spirit of encroachment which would snatch from the States powers not delegated to the General Government. We shall thus escape both the dangers I have noticed—that of relapsing into the alarming weakness of the Confederation, which was described as a mere rope of sand, and also that other, perhaps not the greatest danger, consolidation. No man deprecates more than I do, the idea of consolidation; yet, between separation and consolidation, painful as would be the alternative, he should greatly prefer the latter.

Mr. C. would now proceed to endeavor to discover the real difference, in the interpretation of the Constitution, between the gentlemen on the other side and himself. It was agreed that there was no power in the General Government but that which is expressly granted, or which is implecable from an express grant. The difference, then, must be in the application of this rule. The gentleman from Virginia, who has favored the House with so able an argument on the subject, had conceded, though somewhat reluctantly, the existence of incidental powers; but he contended that they must have a direct and necessary relation to some specified power. Granted. But who is to judge of this relation? And what rule can you prescribe different from that which the Constitution has required, that it should be ne-

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cessary and proper? Whatever may be the rule, in whatever language you may choose to express it, there must be a certain degree of discretion left to the agent who is to apply it. But gentlemen are alarmed at this discretion, that law of tyrants, on which they contend there is no limitation. It should be observed, in the first place, that the gentlemen are necessarily brought, by the very course of reasoning which they themselves employ, by all the rules which they would lay down for the Constitution; to cases where discretion must exist. But is there no limitation, no security against the abuse of it? Yes, there is such security in the fact of our being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the Constitution, and which will tend to restrain Congress from deriving powers which are not proper and necessary. There is the yet further security, that at the end of every two years the members must be amenable to the people for the manner in which their trust has been performed. And there remains also that further though awful security, the last resort of society, which he contended belonged alike to the people and the States in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable, the right of resistance. Take the gentleman's own doctrine, (Mr. BARBOUR,) the most restricted which had been asserted, and what other securities have we against the abuse of power than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for has no greater security than that insisted upon by us. It equally leads to the same discretion—a sound discretion, exercised under all the responsibility of a solemn oath; of a regard to our fair fame; of a knowledge that we are ourselves the subjects of those laws which we pass; and, lastly, of the right of resisting insupportable tyranny. And by way of illustration, Mr. C. said, that if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If Congress assumed the power to control the right of speech, and to assail by penal statutes that greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress, but that to which he had referred, lamentable as would be the appeal, such a monstrous abuse of power, he contended, would authorize a recurrence to that right.

If, then, the gentlemen on the other side and himself differed so little in their general principles, as he thought he had shown, he would proceed for a few moments to look at the Constitution a little more in detail. I have contended, said Mr. C., that the power to construct post roads is expressly granted in the power to establish post roads. If it be, there is an end to the

controversy; but if not, the next inquiry is, whether that power may be fairly deduced by implication from any of the specified grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used to prove that the word *establish*, in this case, can mean only one thing—the right of making. Several gentlemen had contended that the word had a different sense; and one had resorted to the preamble of the Constitution to show that the phrase “to establish justice,” there used, did not convey the power of creation. If the word “establish” was there to be taken in the sense which gentlemen claimed for it, that of adoption or designation, Congress could have had a choice only of systems of justice pre-existing. Would any gentleman contend that they were obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common or canon law? Establishment means in the preamble, as in other cases, construction, formation, creation.

Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society require you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say that the word cannot mean *make*; that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it cannot properly be used in all cases, it does not follow that it cannot be in any. And when we take into consideration, that, under the old Articles of Confederation, Congress had over the subject of post roads just as much power as gentlemen allow to the existing Government, that it was the general scope and spirit of the new Constitution to enlarge the powers of the General Government, and that, in fact, in this very clause, the power to establish post roads is superadded to the power to establish post offices, which was alone possessed by the former Government, he thought that he might safely consider the argument on this part of the subject as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the Constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of those two constructions, of which one requires you to wait, for the exercise of your power, until the arrival of an emergency, which may not allow you to exert it; and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member had stated what appeared to him a conclusive argument against the power to cut canals, that he had understood that a proposition made in the Convention, to insert such a power, was rejected. To this argument more than one

sufficient answer could be made. In the first place, the fact itself had been denied, and he had never yet seen any evidence of it. But, suppose that the proposition had been made and overruled, unless the motives of the refusal to insert it were known, gentlemen were not authorized to draw the inference, that it was from hostility to the power, or from a desire to withhold it from Congress. Might not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition; that to adopt it, indeed, might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New York, (Mr. STORRS,) whose absence Mr. C. regretted on this occasion, not only on account of the great aid which might have been expected from him, but, from the cause of that absence, had informed him that, in the convention of that State, one of the objections to the Constitution by the anti-Federalists was, that it was understood to convey to the General Government, the power to cut canals. How often, in the course of the proceedings of this House, do we reject amendments, upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition?

Mr. C. referred to the *Federalist*, for one moment, to show that the only notice taken of that clause of the Constitution which relates to post roads, was favorable to his construction. The power, that book said, must always be a harmless one. He had endeavored to show not only that it was perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the States, says the *Federalist*, can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen, on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object, which are calculated to render us a homogeneous people—one in feeling, in interest, and affection, as we are one in our political relation.

Was there not a direct and intimate relation between the power to make war and military roads and canals? It was in vain that the Convention should have confided to the General Government the tremendous power of declaring war; should have imposed upon it the duty to employ the whole physical means of the nation, to render the war, whatever may be its character, successful and glorious, if the power is withheld of transporting and distributing those means. Let us appeal to facts which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the Union. The only circumstance which gave me pain at the close of that war, the detention of Moose Island, would not have occurred,

if we had possessed military roads. Why did not the Union—why did not Massachusetts make a struggle to reconquer the island? Not for the want of men; not for the want of patriotism, he hoped, but from the want of the physical ability to march a force sufficient to dislodge the enemy. On the Northwestern frontier, millions of money, and some of the most precious blood of the State from which I have the honor to come, were wastefully expended for the want of such roads. My honorable friend from Ohio, (Mr. HARRISON,) who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyzes our armies on the Southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point?

Whether we refer to our own experience, or to that of other countries, we cannot fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence all around them? They made permanent military roads; and among the objects of interest which Europe now presents, are the remains of those Roman roads, which are shown to the curious inquirer. If there were no other monument remaining of the sagacity, and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburg to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war. I do not wish to see this country ever in that complete state of preparation for war for which some contend, that is, that we should constantly have a large standing army, well disciplined, and always ready to act. I want to see the bill reported by my friend from Ohio, or some other embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appeared to him, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement? It was one of the most essential circumstances in war. But, without good roads it was impossible! He recalled to the recollection of some of the members the fact that, in the Senate, several years ago, an honorable friend of his, (Mr. BAYARD,) whose premature death he ever deplored—who was an ornament to the

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councils of his country, and whom, when abroad, he found the able and fearless advocate of her rights, had, in supporting a subscription which he proposed the United States should make to the stock of the Delaware and Chesapeake Canal Company, earnestly recommended the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the Fall of 1813, I saw transporting by Government, from Elk river to the Delaware, large quantities of massy timbers for the construction of the Guerriere or the Franklin, or both; and judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation, would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the Senate, and with so much effect, too, bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, was it not obvious that a line of military canals was not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction, Mr. C. continued, which had been laid down, he acknowledged his incapacity to comprehend. Gentlemen say that the power in question is a substantive power; and that no substantive power could be derived by implication. What is their definition of a substantive power? Will they favor us with the principle of discrimination between powers which being substantive are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although he did not perceive why this power was more entitled than many implied powers to the denomination of substantive, suppose that be yielded, how did gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proven, that the power is substantive, and that no substantive power can be implied, yet he trusted it had been satisfactorily shown that there was an express grant.

His honorable friend from Virginia (Mr. Nelson) had denied the operation of Executive influence on his mind; and had informed the Committee that from that quarter he had nothing to expect, to hope, or to fear. I did not impute to my honorable friend any such motive. I know his independence of character and of mind too well to do so. But, I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed towards him than myself. Let us look a little at facts. The President recommended the establishment of a bank. If ever there were a stretch of the implied powers conveyed by the Constitution, it has been thought the grant of the charter of the National Bank was one. But the President recommends it. Where was then my honorable friend, the friend of State rights, who

so pathetically calls upon us to repent, in sack-cloth and ashes, our meditated violation of the Constitution; and who kindly expresses his hope that we shall be made to feel the public indignation? Where was he at this awful epoch? Where was that eloquent tongue which we have now heard with so much pleasure? Silent! Silent as the grave!

[Mr. NELSON said, across the House, that he had voted against the bank bill when first recommended.]

Alas! said Mr. C., my honorable friend had not the heart to withstand a second recommendation from the President; but, when it came, yielded, no doubt, most reluctantly to the Executive wishes, and voted for the bank! At the last session of Congress, Mr. Madison recommends (and I will presently make some remarks on that subject) an exercise of all the existing powers of the General Government to establish a comprehensive system of internal improvements. Where was my honorable friend on that occasion? Not silent as the grave, but he gave a negative vote almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well stored mind to save the Commonwealth from that greatest of all calamities, a system of internal improvement. No, although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropped from his lips against the measure. [Mr. NELSON said he voted against the bill.] That he whispered out an unwilling negative, Mr. C. did not deny, but it was unsustained by that torrent of eloquence which was poured out on the present occasion. But, said Mr. C., we have an Executive Message now, not quite as ambiguous in its terms, nor as oracular in its meaning, as that of Mr. Madison appears to have been. No; the President now says, that he has made great efforts to vanquish his objections to the power, and that he cannot but believe that it does not exist. Then my honorable friend rouses, thunders forth the danger in which the Constitution is, and sounds the tocsin of alarm. Far from insinuating that he is at all biassed by the Executive wishes, I appeal to his candor to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the Chief Magistrate?

Now let us review these opinions as communicated at different points. It was the opinion of Mr. Jefferson, that, although there was no general power vested by the Constitution in Congress to construct roads and canals, without the consent of the States, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road, and how? First, by a compact made with the State of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland, to apply the fund so set apart within their respective limits. If, however, I rightly understood my honorable friend the other day, he expressly denied (and in

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that I concur with him) that the power could be acquired by the mere consent of the State. Yet he defended the act of Mr. Jefferson in the case referred to. [Mr. NELSON expressed his dissent to this statement of his argument.] Mr. C. said it was far from his intention to misstate the gentleman. He certainly had understood him to say, that, as the road was first stipulated for in the compact with Ohio, it was competent afterwards to carry it through the States mentioned, with their assent. Now, if we have not the right to make a road in virtue of one compact made with a single State, can we obtain it by two contracts made with several States? The character of the fund could not affect the question. It was totally immaterial whether it arose from the sales of the public lands or from the general revenue. Suppose a contract made with Massachusetts, that a certain portion of the revenue collected at the port of Boston, from foreign trade, should be expended in making roads and canals leading to that State, and that a subsequent compact should be made with Connecticut or New Hampshire, for the expenditure of the fund on these objects, within their limits; can we acquire the power, in this manner, over internal improvements, if we do not possess it independently of such compacts? He conceived clearly not. And he was entirely at a loss to comprehend how gentlemen, consistently with their own principles, could justify the erection of the Cumberland road. No man, he said, was prouder than he was of that noble monument of the provident care of the nation and of the public spirit of its projectors; and he trusted, that, in spite of all Constitutional and other scruples here or elsewhere, an appropriation would be made to complete that road. He confessed, however, freely, that he was entirely unable to conceive of any principle on which that road could be supported that would not uphold the general power contended for.

He would now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous, and illustrious statesman, whose Administration has so powerfully tended to advance the glory, honor, and prosperity of this country, he most regretted, for his sake and for the sake of the country, the rejection of the bill of the last session. He thought it irreconcilable with Mr. Madison's own principles—those great broad and liberal principles on which he so ably administered the Government. And, sir, said Mr. C., when I appeal to the members of the last Congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstance, not even an earthquake that should have swallowed up one half of this city, could have excited more surprise than when it was first communicated to this House, that Mr. Madison had rejected his own bill—I say his own bill—for his Message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me, (Mr. JOHNSON, of Virginia,) the operations of whose vigorous and independent mind depend upon his own internal

perceptions, has expressed himself with a becoming manliness, and thrown aside the authority of names as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It was impossible, moreover, to disguise the fact, that the question is now a question between the Executive on the one side and the Representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious public services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the Messages wherein he has recommended internal improvements, but to that alone which he addressed to Congress at the commencement of the last session, which contains this passage: "I particularly invite again the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity." In the examination of this passage, two positions forced themselves upon our attention. The first was the assertion, that there are existing powers in Congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the Constitution necessary. Nothing could be more clearly affirmed than the first position; but in the Message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning in that Message, if well founded, proved that there were no existing powers whatever. It was apparent that Mr. Madison himself had not examined some of those principal sources of the Constitution, from which, during this debate, the power had been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented to him (the last day but one of a most busy session) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain that, taking his two Messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the

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money to any specific object of internal improvement, nor designate any particular mode in which it should be applied, but merely set apart and pledged the fund to the general purpose, subject to the future disposition of Congress. If, then, there were any supposable case whatever to which Congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the Constitution. And it ought not to have been anticipated that money constitutionally appropriated by one Congress would afterwards be unconstitutionally expended by another.

I come now, said Mr. C., to the Message of Mr. Monroe; and if, by the communication of his opinion to Congress, he intended to prevent discussion, he has most woefully failed. I know that, according to a most venerable and excellent usage, the opinion neither of the President nor of the Senate, upon any proposition depending in this House, ought to be adverted to. Even in the Parliament of Great Britain, a member who would refer to the opinion of the Sovereign, in such a case, would be instantly called to order; but, under the extraordinary circumstances of the President having, with I have no doubt the best motives, volunteered his opinion on this head, and inverted the order of legislation, by beginning where it should end, I am compelled, most reluctantly, to refer to that opinion. I cannot but deprecate the practice of which the President has, in this instance, set the example to his successors. The Constitutional order of legislation supposes that every bill originating in one House shall be there deliberately investigated, without influence from any other branch of the Legislature, and then remitted to the other House for a like free and unbiassed consideration. Having passed both Houses, it is to be laid before the President—signed if approved, and if disapproved to be returned, with his objections, to the originating House. In this manner, entire freedom of thought and of action is secured, and the President finally sees the proposition in the most matured form which Congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the President himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning, applied specifically to such proposition; for the Constitution further enjoins it upon him to state his objections upon returning the bill. The originating House is then to reconsider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, Shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread by yeas and nays upon the record. Of this opportunity of recording our opinions on matters of great public concern we are deprived, if we submit to the innovation of the President. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the President was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which so long as I

exist I will maintain, to say that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the President. [Mr. C. here quoted the passage of the Message at the opening of the session, which follows:—]

“A difference of opinion has existed, from the first formation of our Constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required; and the result is, a settled conviction on my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted.”

In this passage the President has furnished us with no reasoning, no argument in support of his opinion—nothing addressed to the understanding. He gives, indeed, an historical account of the operations of his own mind, and he asserts that he has made a laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted or incident to a power so granted, it has been seen that I have the honor to entirely concur with him; but, he says the power is not among the specified powers. Has he taken into consideration the clause respecting post roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his Constitutional sphere of rejecting the bill, after it had passed both Houses, he must have learned that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, Mr. C. said, he would have thought that we might have safely appealed to the experience of the President, during the late war, when the country derived so much benefit from his judicious administration of the duties of the War Department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the Message was all assertion, and contained no argument which he could comprehend,

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or which met the points contended for during this debate. Allow me here, said Mr. C. to say, and I do it without the least disrespect to that branch of the Government, on whose opinions and acts it has been rendered my painful duty to comment—let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible than mere paper sentiments or declarations. And what have been the acts of the President? During his tour of last Summer, did he not order a road to be cut or repaired from near Plattsburg to the St. Lawrence? And my honorable friend will excuse me if my comprehension is too dull to perceive the force of that argument which seeks to draw a distinction between repairing an old and making a new road. [Mr. NELSON said he had not drawn that distinction, having only stated the fact.] Certainly no such distinction was to be found in the Constitution or existed in reason. Grant, however, the power of reparation and we will make it do. We will take the post roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying and painful delays and disappointments to which we, at least in the West, are so often liable. The President, then, ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there existed the best understanding, and a prospect of lasting friendship greater than at any former period. On his sole authority the President acted, and we are already called upon by the Chairman of the Committee of Ways and Means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the State of New York; and what is wonderful, when we consider the magnitude of the State rights which are said to be violated, without even a protest on the part of that State against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people, through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the President would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the Union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned, by the Executive, without the concurrence of Congress. If the President has the power to cause these public improvements to be executed, at his pleasure, whence is it derived? If any member will stand up in his place and say the President is clothed with this authority, and that it is denied to Congress, let us hear from him; and let him point to the clause of the Constitution which vests it in the Executive and withholds it from the Legislative branch.

There is no such clause; there is no such exclusive Executive power. The power is derivable by the Executive only from those provisions of the Constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war and in the preservation of the public tranquillity, and in the execution of the laws. But Congress has paramount power to the President. It alone can declare war, can raise armies, can provide for calling out the militia in the specified instances, and can raise and appropriate the ways and means necessary to these objects. Or is it come to this, that there are to be two rules of construction for the Constitution—one, and an enlarged rule, for the Executive—and another, and a restricted rule, for the Legislature? Is it already to be held, that, according to the genius and nature of our institutions, powers of this kind may be safely intrusted to the Executive, but, when attempted to be exercised by the Legislature, are so alarming and dangerous that a war with all the allied Powers would be less terrible, and that the nation should clothe itself straightway in sackcloth and ashes? No, sir, if the power belongs only by implication to the Chief Magistrate, it is placed both by implication and express grant in the hands of Congress. I am so far from condemning the act of the President, to which I have referred, that I think it deserving of high approbation; that it was within the scope of his Constitutional authority I have no doubt; and I sincerely trust that the Secretary of War will, in time of peace, constantly employ in that way the military force. It will, at the same time, guard that force against the vices incident to indolence and inaction, and correct the evil of subtracting from the mass of the labor of society, where labor is more valuable than in any other country, that portion of it which enters into the composition of the Army. But I most solemnly protest against any exercise of powers of this kind, by the President, which are denied to Congress. And, if the opinions expressed by him, in his Message, were communicated or are to be used here to influence the judgment of the House, their authority is more than counterbalanced by the authority of his deliberate acts.

Some principles drawn from political economists have been alluded to, and we are advised to leave things to themselves, upon the ground, that, when the condition of society is ripe for internal improvements, that is, when capital can be so invested with a fair prospect of adequate remuneration, they will be executed by associations of individuals, unaided by Government. With my friend from South Carolina (Mr. LOWNDES) I concur in this as a general maxim; and I also concur with him that there are exceptions to it. The foreign policy which I think this country ought to adopt, presents one of those exceptions. It would perhaps be better for mankind, if, in the intercourse between nations, all would leave skill and industry to their unstimulated exertions. But this is not done; and if other Powers will incite the industry of their subjects and depress that of

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our citizens, in instances where they may come into competition, we must imitate their selfish example. Hence the necessity to protect our manufactures. In regard to internal improvements, it did not always follow that they would be constructed whenever they would afford a competent dividend upon the capital invested. It may be true generally that, in old countries, where there is a great accumulation of surplus capital, and a consequent low rate of interest, that they would be made. But in a new country the condition of society may be ripe for public works long before there is, in the hands of individuals, the necessary accumulation of capital to effect them; and, besides, there is generally, in such a country, not only a scarcity of capital, but such a multiplicity of profitable objects presenting themselves as to distract the judgment. Further; the aggregate benefit resulting to the whole society, from a public improvement may be such as to amply justify the investment of capital in its execution, and yet that benefit may be so distributed among different and distant persons as that they can never be got to act in concert. The turnpike roads wanted to pass the Alleghany mountains, and the Delaware and Chesapeake Canal, are objects of this description. Those who would be most benefited by these improvements reside at a considerable distance from the sites of them; many of those persons never have seen and never will see them. How is it possible to regulate the contributions, or to present to individuals so situated a sufficiently lively picture of their real interests to get them to make exertions, in effectuating the object, commensurate with their respective abilities? I think it very possible that the capitalist, who should invest his money, in one of those objects, might not be reimbursed three per cent. annually upon it. And yet society, in various forms, might actually reap fifteen or twenty per cent. The benefit resulting from a turnpike road, made by private associations, is divided between the capitalist who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities whose value is enhanced by the diminished expense of transportation. A combination upon any terms, much less a just combination, of all these interests to effect the improvement is impracticable. And if you await the arrival of the period when the tolls alone can produce a competent dividend, it is evident that you will have to suspend its execution until long after the general interests of society would have authorized it.

Again, improvements made by private associations are generally made by the local capital. But ages must elapse before there will be concentrated in certain places, where the interests of the whole community may call for improvements, sufficient capital to make them. The place of the improvement too is not always the most interested in its accomplishment. Other parts of the Union—the whole line of the seaboard—are quite as much if not more interested in the Delaware and Chesapeake Canal, as the small tract of

country through which it is proposed to pass. The same observation will apply to turnpike roads passing the Alleghany mountains. Sometimes the interest of the place of the improvement is adverse to the improvement and to the general interest. He would cite Louisville, at the rapids of the Ohio, as an example, whose interest will probably be more promoted by the continuance, than the removal of the obstruction. Of all the modes in which a Government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity, and animation on all sides. The first direct effect was on the agricultural community, into whose pockets came the difference in the expense of transportation between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the Committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power; and I call on the friends of Congress, of this House, or the true friends of State rights (not charging others with intending to oppose them) to rally around the Constitution, and to support, by their votes, on this occasion, the legitimate powers of the Legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust that, by the decision which shall be given, we shall assert, uphold, and maintain, the authority of Congress, notwithstanding all that has been, or may be, said against it.

Mr. NELSON spoke a short time in reply to Mr. CLAY.

Mr. CLAY again rose. It was certainly very far from his intention, he said, to prefer any charge against the gentleman of undue submission to Executive influence; though the gentleman certainly had, with great zeal, if not ability, defended the conduct of the Executive in the cases of the employment of the military force in the construction of roads, and of that part of the message respecting the power of Congress to make roads and canals. But the honorable gentleman, said Mr. C., has made some personal allusions to myself. I have been on a foreign embassy, he says. If I have, sir, that office was unsolicited, and was accepted under an imperious sense of public duty. [Mr. NELSON said he did

not mean to insinuate that that, or any other office, had been solicited by the Speaker, or was not due to his merit and public services.] Mr. C. resumed. The honorable gentleman has also thought proper to intimate that departments have been offered. It was not necessary for him to say whether there was any and what ground for this intimation; but he would say, that on this subject, not in this House, but elsewhere, motives had been ascribed to him, in relation to a particular office, as false as the imputation of them was malignant. I have desired no office from the Executive; I have preferred the honors conferred on me by my constituents, and by the kindness of this House, to any in the gift of any other branch of Government. With regard to the gentleman who fills the office of President, I have already said that I consider the office as an honorable reward due to him for his long and faithful services; for the simplicity, sincerity, and purity of his character, as displayed in the distinguished offices which he had previously filled. But, whatever may be my opinion of him or of others, I shall sacrifice no part of my public duty to a servile compliance with his views. I come here to serve my constituents and my country according to the Constitution, my conscience and my best comprehension of the public welfare. I am no grovelling sycophant, no mean parasite, no base suppliant at the foot of authority. I respect the co-ordinate branches of Government, but will exercise my own rights with the freedom which belongs to an American citizen, without fear of the consequences. The gentleman speaks of impeachment of the President, if he has exceeded his authority. Does the gentleman expect, by this sort of defiance, to influence this House or the people against the exertion of their Constitutional rights? The power of impeachment is one which, if ever exercised—and it may be doubted whether it ever will be in regard to the Chief Magistrate—can only be employed in cases of palpable breaches of the Constitution, with bad motive. But it does not follow, because the President is not, and will not be impeached for his conduct, that he may not have performed acts without the pale of his Constitutional authority. I admit, certainly, the power of recommendation to Congress of measures called for by the public good, which the Executive possesses; but I contend that it is a power of a very questionable nature, when attempted to be exercised in regard to constructions of the Constitution, and amendments to the instrument, in making which amendments the Constitution has given him no participation. The power of the President is not to recommend to Congress abstinence from action, but measures of a positive character. I do say, and I do think, and I care not who thinks otherwise, that in this particular instance it would have been better had the President refrained from expressing his opinion against a measure which had the approbation of Congress at the last session, which he must have supposed would be again renewed, whatever might be his opinion, and which, the gentleman's opinion not-

withstanding, I believe nine-tenths of the people are in favor of. I repeat my thanks, said Mr. C. in conclusion, to the gentleman from Virginia, for the repetition of his wish that the people will put down us who support this measure. I will, for evil return to him good; and hope that the people will duly appreciate him and his exertions against the measure, and will permit him still to remain in this House, an ornament to the Legislature, and to the district he represents.

After Mr. CLAY's brief rejoinder, the Committee rose and reported their agreement to the resolution, with an amendment to strike out all of the said resolution after the word *Resolved*, and to insert, in lieu thereof, the following, to wit:

1. That Congress has power, under the Constitution, to appropriate money for the construction of post roads, military, and other roads, and of canals, and for the improvement of water-courses.

2. *Resolved*, That Congress has power, under the Constitution, to construct post roads, and military roads: *Provided*, That private property be not taken for the public use, without just compensation.

3. *Resolved*, That Congress has power, under the Constitution, to construct roads and canals, necessary for commerce between the States: *Provided*, That private property be not taken for public purposes, without just compensation.

4. *Resolved*, That Congress has power, under the Constitution, to construct canals for military purposes: *Provided*, That no private property be taken for any such purpose, without just compensation being made therefor.

Leave was given for the Committee of the Whole to sit again, on the residue of the order committed to them. And then the House adjourned.

SATURDAY, March 14.

Mr. HERBERT presented a petition of the Directors of the Eastern Branch Bridge Company, praying that permission may not be granted to build another bridge over the Eastern Branch, within the limits of the City of Washington.—Referred.

Mr. LOWNDES presented a petition of David Gelston, on behalf of himself and Peter A. Schenck, praying to be indemnified against a judgment recovered against them for the seizure of the ship American Eagle, for an alleged breach of the laws of the United States, under direction from the Secretary of the Treasury.—Referred to the Committee of Ways and Means.

Mr. FORNEY, from the Committee on Military Affairs, reported a bill for the relief of the heirs of Adolphus Burghart, deceased; which was read twice, and committed to a Committee of the Whole, on the bill for the relief of William Barton.

The SPEAKER laid before the House a letter from Richard Bland Lee, Commissioner of Claims, transmitting a report of the facts in the case of Nathan Ford, with the evidence accompanying it; which was referred to the Committee of Claims.

The SPEAKER also laid before the House a re-

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port of the Secretary of War, on the petition of Brintnel Robbins; which was read, and ordered to lie on the table.

The SPEAKER also laid before the House a report of the Secretary of the Navy, on the petition of Frederick Ernest and Frederick Williamson; which report was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act respecting the transportation of persons of color, for sale, or to be held to labor;" and, "An act to extend the jurisdiction of the circuit court of the United States, to cases arising under the law relating to patents;" and a resolution "directing the distribution of the laws of the fourteenth Congress, among the members of the fifteenth Congress;" in which bills and resolutions they ask the concurrence of this House.

The first mentioned bill was read twice, and committed to a Committee of the Whole.

The last mentioned bill was read twice, and referred to the Committee on the Judiciary.

The resolution aforesaid was read twice, and referred to the Committee on the Judiciary.

On motion of Mr. POINDEXTER, the Committee on Roads, Canals, and Seminaries of Learning, were instructed to inquire into the expediency of appropriating a reasonable sum, out of the proceeds of the public lands in the State of Mississippi, to the opening and improving the navigation of Pearl river, in said State, to be expended under the direction of the Secretary of the Treasury.

INTERNAL IMPROVEMENT.

The House having resumed the consideration of the report of the Committee of the Whole, on the report of a Committee on the subject of Roads and Canals; and the question being on agreeing to the first resolution reported by said committee, in the following words:

1. *Resolved*, That Congress has power, under the Constitution, to appropriate money for the construction of post roads, military, and other roads, and of canals, and for the improvement of water-courses.

Mr. JOHNSON, of Kentucky, said he had never voted for any proposition since he had enjoyed the honor of a seat in this House, which he did not believe to be sanctioned by the express letter of the Constitution; nor should he on the present occasion. After expressing the satisfaction which he had received from this debate, than which he had never listened to any with greater pleasure, Mr. J. proceeded to say, that, as he bottomed his opinion on this question on the express letter of the Constitution, he should derive no aid in support of his vote by implication. He claimed for Congress no grant of power under that clause of the Constitution which speaks of the common defence and general welfare; nor did he stand here in any other character than as an advocate for State rights; for he was thoroughly convinced that there never was a more vital attack on the

integrity of the States, and on State rights, than would be the rejection of the present proposition, unless it were immediately followed by an amendment to the Constitution in this respect.

Mr. J. called the attention of the House to that part of the Constitution which gives to Congress the power to regulate commerce among the several States. On what principle, if this proposition were to be rejected, had Congress appropriated, for the purposes of trade with the Indian tribes three hundred thousand dollars of the public money? Under what part of the Constitution did Congress exercise the power of appropriating money for the purpose of erecting and maintaining light-houses, if not under that of regulating trade with foreign nations? For neither of these objects was there a grant of power in stronger terms, or more certainly imparted to Congress, than was the power to give security and facility to the trade between the several States; for which purpose the General Government had the same power over the soil of the several States, as it undeniably had over the water-courses. If to the States alone belonged the power of making roads and canals, he could not, he said, conceive of anything more calculated to weaken the power of the States, than to subject those roads and canals, when made by the States, to the control of the General Government, for the purpose of exercising its Constitutional power of regulating the intercourse between the States. Suppose, said he, that the State of Kentucky should make a canal round the falls of the Ohio, will Congress regulate the trade through this channel, or will it surrender to the State of Kentucky the power expressly granted to Congress? If Congress do not give up the power, we shall be tributary to the United States; we shall have opened a canal with our own resources, and Congress will have the power to regulate trade through it. As strange, therefore, as it might appear to some gentlemen who had argued in a very different manner, Mr. J. said, he contended that the rejection of this proposition had a tendency to weaken the authority of the States, and to make State rights subservient to the Congress of the United States. Again, said he, I ask any gentleman to point out in what possible way roads and canals can be used, but for the purposes pointed out in the Constitution. The object of opening a road or a canal is to facilitate intercourse among the States and among the people. But, it was said, that the exercise of such a power was not necessary in the sense of the term used in the Constitution. Is it necessary, he asked, to have national armories? Cannot we purchase arms by private contract? Is it necessary to have magazines? Can we not hire buildings for the purpose? But we build, and wisely build, magazines and armories, and appoint persons to labor in and superintend them. And was it more necessary and proper, he demanded, to have magazines, and national armories, than to have roads and canals to give facility to the transportation of the munitions of war? He should be glad to know, he said, on what

principle of construction of the Constitution gentlemen would deny to Congress the power of opening roads and canals for the purpose of internal trade and commerce, and for the purpose of transporting munitions of war, unless, in the instance he had mentioned, there had been frequent and flagrant violations of the Constitution.

In regard to the power in question, if to exercise it would be a violation of the Constitution, it has been violated in many cases already—in making a road from Georgia to New Orleans, from Nashville to Natchez, &c.—in making the great road from Cumberland to Ohio, and from Ohio to the line—in opening a road from Detroit to Fort Meigs, and from Fort Meigs to Lower Sandusky, with several others, which he mentioned. If these were violations of the Constitution, thus repeated, it depended upon gentlemen, if the Constitution was worth preservation, to show how this evil was to be corrected.

As to the arguments which had gone to the policy of this measure, he had never before heard the utility of internal improvements a subject of controversy. Had the policy of the different States, in opening roads and canals, been objected to? Had the policy of foreign nations in this respect been deemed unwise? Had the policy of Holland been questioned, where there was a continued chain of internal navigation? On the continent of Europe, had there ever been a difference of sentiment as to the value of the canals which intersect it; of the canal of Languedoc, or of that of the Seine and Loire, or of hundreds of others, which it were unnecessary to occupy the time of the House by enumerating? Had the policy of China ever been objected to, which had a canal navigation of eight hundred miles in extent, and which employed two thousand individuals for forty years in its construction, from Peking to Canton; and canals even to water the farms, besides roads innumerable, which it would take him till doomsday to enumerate? Or that of England, who had opened an internal communication by means of canals, uniting the Irish Channel with the German Ocean, and pervading the country, which were to the people of England the source of much wealth, and of much convenience? We have seen nations and people differ as to the rights of conscience, as to the tenets of religion, and as to modes of government, from democracy to despotism; on almost every question arising out of the multiplicity and variety of human concerns; yet, go to England, Holland, France, China, Russia, you find canals and roads distributing around fertility and accommodation. Yet it would appear, from the discussion which had taken place, there was, in the Congress of the United States, a difference of opinion as to the policy of internal improvement! At this Mr. J. expressed great surprise. Bring your imagination, said he, to contemplate a union of the waters of the Illinois with the waters of Michigan; of the Miami with the Ohio; of the Alleghany with the waters of Lake Erie. Bring your mind to reflect on the immense advantages to be derived from a con-

nexion between the waters of the Atlantic with the upper Lakes, by means of the Susquehanna, the Hudson, and the Delaware; between James river and Catawba; between the waters of Alabama and Tennessee; between those of the Chesapeake and Delaware. What is there alarming in the General Government having it in its power to accomplish these and similar objects? If I could see any evils possibly resulting from the exercise of such a power, far would it be from me to advocate it.

Mr. J. said he had not risen to make a speech on this subject; but, as it might not fall to his lot hereafter to have an opportunity of expressing his opinion on the subject of internal improvement, by means of roads and canals, he could not forbear to state to the House, as he had done, that, resting on the letter of the Constitution, not on its spirit; on the words of it, not on derivative construction; not in opposition to State rights, but in support of them, he was decidedly in favor of the report of the committee favorable to internal improvement, under the authority of the United States.

Mr. DESHA moved to amend the said resolution, by striking out the words "*and other*," the effect of which would have been to confine the declaration to post roads and military roads.

After some remarks from Mr. LOWNDES, who desired that the amendment might not prevail, that the House might be allowed to vote on the broad proposition, the motion of Mr. DESHA was negatived.

Mr. MILLS moved to postpone indefinitely the further consideration of the subject, and supported this motion in a speech of half an hour.

Mr. TUCKER spoke against the motion, and called upon gentlemen to unite against it, that the opportunity might not be lost of expressing the opinion of this House.

Mr. RHEA then delivered his sentiments on the general question.

Mr. SMITH, of Maryland, supported the motion for postponement by a number of remarks, the object of which was to show that a further prosecution of the discussion would be a consumption of valuable time, without any probability of arriving at a practical result.

Mr. LOWNDES replied to Mr. SMITH, by observations calculated to show that it was highly important to obtain a decision of this House at the present session; a different course, after the many days consumed in debate, he thought would be unjust to the committee who had made report on the subject, and dissatisfactory in its result.

Messrs. BALDWIN and LIVERMORE also opposed the indefinite postponement.

The motion for indefinite postponement was decided in the negative, by yeas and nays—for the postponement 77, against it 87, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Austin, Ball, Barbour of Virginia, Bassett, Bellinger, Bennett, Blount, Boden, Boss, Bryan, Burwell, Butler, Clagett, Claiborne, Cook, Crafts, Culbreth, Desha, Drake, Earle, Edwards, Folger, Forney, Garnett, Hale,

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Hall of North Carolina, Hogg, Holmes of Connecticut, Hunter, Huntington, Johnson of Virginia, Kirtland, McCoy, Marr, Mason of Massachusetts, Merrill, Middleton, Mills, Moseley, H. Nelson, T. M. Nelson, New, Orr, Owen, Pitkin, Pleasants, Reed, Rhea, Rice, Richards, Ringgold, Ruggles, Sampson, Scudder, Settle, Shaw, Sherwood, Silsbee, S. Smith, Alexander Smyth, J. S. Smith, Speed, Stewart of North Carolina, Strong, Tompkins, Townsend, Tucker of South Carolina, Tyler, Walker of North Carolina, Whitman, Williams of Connecticut, Williams of New York, and Williams of North Carolina.

YEAS—Messrs. Abbott, Anderson of Kentucky, Baldwin, Barber of Ohio, Bateman, Bayley, Beecher, Bloomfield, Campbell, Cobb, Colston, Comstock, Crawford, Cruger, Cushman, Darlington, Ellicott, Ervin of South Carolina, Forsyth, Gage, Hall of Delaware, Harrison, Hasbrouck, Hendricks, Herbert, Herkimer, Herrick, Heister, Hitchcock, Holmes of Massachusetts, Hopkinson, Hubbard, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Lawyer, Linn, Livermore, Lowndes, McLane, W. P. Maclay, Marchand, Mercer, Moore, Morton, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Poindexter, Porter, Quarles, Rich, Robertson of Kentucky, Robertson of Louisiana, Savage, Sawyer, Schuyler, Sergeant, Seybert, Simkins, Slocumb, Bal. Smith, Southard, Spencer, Stuart of Maryland, Tallmadge, Tarr, Taylor, Terrill, Trimble, Tucker of Virginia, Upham, Wallace, Wendover, Westerlo, Whiteside, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

The question was then taken on concurring in the first resolution adopted by the Committee of the Whole, as above stated, and decided as follows—yeas 90, nays 75:

YEAS—Messrs. Abbott, Anderson of Kentucky, Baldwin, Barber of Ohio, Bateman, Bayley, Beecher, Bloomfield, Campbell, Colston, Comstock, Crawford, Cruger, Cushman, Darlington, Ellicott, Ervin of South Carolina, Forsyth, Gage, Hall of Delaware, Harrison, Hasbrouck, Hendricks, Herbert, Herkimer, Herrick, Heister, Hitchcock, Holmes of Massachusetts, Hopkinson, Hubbard, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Lawyer, Linn, Livermore, Lowndes, McLane, W. P. Maclay, Marchand, Marr, Mercer, Middleton, Moore, Morton, Mumford, Murray, Jeremiah Nelson, Ogden, Ogle, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Poindexter, Porter, Quarles, Robertson of Kentucky, Robertson of Louisiana, Savage, Schuyler, Sergeant, Seybert, Simkins, Slocumb, S. Smith, Bal. Smith, Southard, Spencer, Stuart of Maryland, Tallmadge, Tarr, Taylor, Terrill, Trimble, Tucker of Virginia, Upham, Wallace, Wendover, Westerlo, Whiteside, Whitman, Wilkin, Wilson of Massachusetts, and Wilson of Penn.

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Austin, Ball, Barbour of Virginia, Bassett, Bellinger, Bennett, Blount, Boden, Bryan, Burwell, Butler, Clagett, Cobb, Cook, Crafts, Culbreth, Desha, Drake, Earle, Edwards, Folger, Forney, Garnett, Hale, Hall of N. Carolina, Hogg, Holmes of Connecticut, Hunter, Huntington, Johnson of Virginia, Kirtland, McCoy, Mason of Massachusetts, Mason of Rhode Island, Merrill, Mills, Moseley, H. Nelson, T. M. Nelson, New, Orr, Owen, Pitkin, Pleasants, Reed, Rhea, Rice, Richards, Ringgold, Ruggles, Sampson, Sawyer, Scudder, Settle, Sherwood, Shaw, Silsbee, Alexander Smyth,

J. S. Smith, Speed, Stewart of North Carolina, Strong, Terry, Tompkins, Townsend, Tucker of South Carolina, Taylor, Walker of North Carolina, Williams of Connecticut, Williams of New York, and Williams of North Carolina.

So the first resolution was adopted.

The second resolution having been read in the following words:

2. *Resolved*, That Congress has power, under the Constitution, to construct post roads and military roads; provided that private property be not taken for public use, without just compensation.

Mr. HOLMES, of Massachusetts, moved to amend the resolution by inserting, after the words "private property," the words "or the property of any State;" and adding to the end of the resolve a clause, that neither the property of the one nor the other be taken, without just compensation therefor.

This motion was grounded by Mr. HOLMES, and supported by Mr. RHEA, as presenting the question more broadly to the House, and was opposed by Mr. LOWNDES, as embracing a wider scope than he was willing to give to the resolution, and, in fact, introducing a new principle.

The motion was negative.

Mr. DESHA moved to amend the resolution by inserting, after the words "military roads," the words "with the consent of the States."—Negative.

The question was then taken on agreeing to the second resolution as above stated, and decided as follows—yeas 82, nays 84:

YEAS—Messrs. Anderson of Kentucky, Baldwin, Barber of Ohio, Bateman, Bayley, Beecher, Bloomfield, Campbell, Colston, Comstock, Crawford, Cruger, Cushman, Darlington, Ellicott, Ervin of South Carolina, Forsyth, Gage, Hall of Delaware, Harrison, Hasbrouck, Hendricks, Herbert, Herkimer, Herrick, Heister, Hitchcock, Hopkinson, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Lawyer, Linn, Livermore, Lowndes, McLane, Marchand, Marr, Mercer, Moore, Morton, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Porter, Quarles, Rich, Robertson of Kentucky, Robertson of Louisiana, Savage, Schuyler, Sergeant, Seybert, Simkins, Slocumb, Ballard Smith, Southard, Speed, Spencer, Stuart of Maryland, Tallmadge, Tarr, Taylor, Terrill, Trimble, Upham, Wallace, Wendover, Westerlo, Whiteside, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

YEAS—Messrs. Abbott, Adams, Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Austin, Ball, Barbour of Virginia, Bassett, Bellinger, Bennett, Blount, Boden, Boss, Bryan, Burwell, Butler, Clagett, Claiborne, Cobb, Cook, Crafts, Culbreth, Desha, Drake, Earle, Edwards, Folger, Forney, Garnett, Hale, Hall of North Carolina, Hogg, Holmes of Massachusetts, Holmes of Connecticut, Hunter, Huntington, Johnson of Virginia, W. Maclay, W. P. Maclay, McCoy, Mason of Massachusetts, Mason of Rhode Island, Merrill, Mills, Moseley, Jeremiah Nelson, H. Nelson, T. M. Nelson, New, Orr, Owen, Pitkin, Pleasants, Poindexter, Reed, Rhea, Rice, Richards, Ringgold, Ruggles, Sampson, Sawyer, Scudder, Settle, Shaw, Sherwood, Silsbee, S. Smith, Alexander Smyth, J. S. Smith, Stewart of North Carolina, Strong, Ter-

ry, Tompkins, Townsend, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina; Whitman, Williams of Connecticut, Williams of New York, and Williams of North Carolina.

So the resolution was *not* agreed to.

Mr. STROTHER desired to record his vote in the negative on this question, having been accidentally out of the House when the question was put; but the standing rule forbade the leave.

The third resolution was then read, as follows:

“Resolved, That Congress has power, under the Constitution, to construct roads and canals necessary for commerce between the States; provided, that private property be not taken for public purposes, without just compensation.”

Mr. HOLMES moved to amend the resolution, by adding thereto a clause, that no property shall be taken of any State, without making compensation therefor.—*Negatived.*

Mr. TUCKER, of Virginia, then moved to amend the resolution, by inserting, after the word “States,” the words, “with the consent of the States through which the same may pass.”

This motion was negatived by yeas and nays—120 to 46, as follows:

YEAS—Messrs. Abbott, Adams, Ball, Barber of Ohio, Bateman, Cobb, Crawford, Culbreth, Desha, Harrison, Hasbrouck, Hendricks, Herrick, Hitchcock, Holmes of Massachusetts, Hubbard, Johnson of Kentucky, Jones, Linn, Livermore, Marchand, Marr, Moore, Murray, Jeremiah Nelson, T. M. Nelson, Palmer, Patterson, Peter, Pindall, Porter, Robertson of Louisiana, Sawyer, Seybert, Slocumb, S. Smith, Southard, Speed, Spencer, Stewart of North Carolina, Tallmadge, Tarr, Trimble, Tucker of Virginia, Upham, and Wilson of Pennsylvania.

NAYS—Messrs. Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Anderson of Kentucky, Austin, Baldwin, Barbour of Virginia, Bassett, Bayley, Beecher, Bellinger, Bennett, Bloomfield, Blount, Boden, Boss, Bryan, Burwell, Butler, Campbell, Clagett, Claiborne, Colston, Comstock, Cook, Crafts, Cruger, Cushman, Darlington, Drake, Earle, Edwards, Ellicott, Ervin of South Carolina, Folger, Forney, Forsyth, Garnett, Hale, Hall of Delaware, Hall of North Carolina, Herbert, Herkimer, Heister, Hogg, Holmes of Connecticut, Hopkinson, Hunter, Huntington, Irving of New York, Johnson of Virginia, Kinsey, Lawyer, Lowndes, McLane, W. Maclay, W. P. Maclay, McCoy, Mason of Massachusetts, Mason of Rhode Island, Mercer, Merrill, Middleton, Mills, Morton, Moseley, Mumford, H. Nelson, New, Ogden, Ogle, Orr, Owen, Parrott, Pawling, Pitkin, Pleasants, Poindexter, Quarles, Reed, Rhea, Rice, Rich, Richards, Ringgold, Robertson of Kentucky, Ruggles, Sampson, Savage, Schuyler, Scudder, Sergeant, Settle, Shaw, Silsbee, Simkins, Ballard Smith, Alexander Smyth, J. S. Smith, Strong, Stuart of Maryland, Taylor, Terrill, Terry, Tompkins, Townsend, Tucker of South Carolina, Tyler, Walker of North Carolina, Wallace, Wendover, Westerlo, White-side, Whitman, Williams of Connecticut, Williams of New York, Williams of North Carolina, Wilkin, and Wilson of Massachusetts.

The question then recurred on agreeing to the

third resolution, and, being taken, was determined in the negative—yeas 71, nays 95, as follows:

YEAS—Messrs. Anderson of Kentucky, Baldwin, Bateman, Bayley, Beecher, Bloomfield, Campbell, Colston, Comstock, Crawford, Cruger, Cushman, Darlington, Ellicott, Ervin of South Carolina, Forsyth, Gage, Hall of Delaware, Harrison, Hasbrouck, Herbert, Herkimer, Herrick, Heister, Hitchcock, Hopkinson, Hubbard, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Lawyer, Livermore, Lowndes, McLane, Marchand, Moore, Morton, Mumford, Ogden, Ogle, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Porter, Quarles, Rich, Robertson of Ky., Robertson of Louisiana, Savage, Schuyler, Sergeant, Simkins, Bal. Smith, Spencer, Stuart of Maryland, Tallmadge, Tarr, Terrill, Trimble, Upham, Wallace, Wendover, Westerlo, Whiteside, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

NAYS—Messrs. Abbott, Adams, Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Austin, Ball, Barbour of Virginia, Barber of Ohio, Bassett, Bellinger, Bennett, Blount, Boden, Boss, Bryan, Burwell, Butler, Clagett, Claiborne, Cobb, Cook, Crafts, Culbreth, Desha, Drake, Earle, Edwards, Folger, Forney, Garnett, Hale, Hall of North Carolina, Hendricks, Hogg, Holmes of Massachusetts, Holmes of Connecticut, Hunter, Huntington, Johnson of Virginia, W. Maclay, W. P. Maclay, McCoy, Marr, Mason of Massachusetts, Mason of Rhode Island, Mercer, Merrill, Mills, Moseley, Murray, Jer. Nelson, H. Nelson, T. M. Nelson, New, Orr, Owen, Pitkin, Pleasants, Poindexter, Reed, Rhea, Rice, Richards, Ringgold, Ruggles, Sampson, Sawyer, Scudder, Settle, Seybert, Shaw, Sherwood, Silsbee, Slocumb, S. Smith, Alex. Smyth, J. S. Smith, Speed, Stewart of North Carolina, Strong, Strother, Taylor, Terry, Tompkins, Townsend, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Walker of Kentucky, Whitman, Williams of Connecticut, and Williams of North Carolina.

The question was then stated upon concurring with the Committee of the Whole, in that part of their amendment embraced by the fourth resolution, in the following words, viz:

4. *Resolved, That Congress has power, under the Constitution, to construct canals for military purposes: Provided, That no private property be taken for any such purpose, without just compensation being made therefor.*

Mr. DESHA moved to amend the same, by inserting, after the word “purposes,” the words “with the consent of the States through which they may pass.”

And the question being taken thereon, it was determined in the negative.

The question then recurred on agreeing to the said fourth resolution, and, being taken, it was determined in the negative—yeas 81, nays 83, as follows:

YEAS—Messrs. Abbott, Anderson of Kentucky, Baldwin, Bateman, Bayley, Beecher, Bloomfield, Campbell, Colston, Comstock, Cruger, Cushman, Darlington, Ellicott, Ervin of South Carolina, Forsyth, Gage, Hall of Delaware, Harrison, Hasbrouck, Hendricks, Herkimer, Herrick, Heister, Hitchcock, Hopkinson, Hubbard, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Lawyer, Linn, Livermore,

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Relations with Spain.

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Lowndes, McLane, Marchand, Marr, Mercer, Moore, Morton, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Porter, Quarles, Rich, Robertson of Kentucky, Robertson of Louisiana, Savage, Schuyler, Sergeant, Seybert, Simkins, Slocumb, Ballard Smith, Southard, Speed, Spencer, Stuart of Maryland, Tallmadge, Tarr, Taylor, Terrill, Trimble, Upham, Wallace, Wendover, Westerlo, Whiteside, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

NAMEs—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Austin, Ball, Barbour of Virginia, Barber of Ohio, Bassett, Bellinger, Bennett, Blount, Boden, Boss, Bryan, Burwell, Butler, Clagett, Claiborne, Cobb, Cook, Crafts, Culbreth, Desha, Drake, Earle, Edwards, Folger, Forney, Garnett, Hale, Hogg, Holmes of Massachusetts, Holmes of Connecticut, Huntington, Johnson of Virginia, W. Maclay, W. P. Maclay, McCoy, Mason of Massachusetts, Mason of Rhode Island, Merrill, Mills, Moseley, Jeremiah Nelson, Hugh Nelson, T. M. Nelson, New, Orr, Owen, Pitkin, Pleasants, Poindexter, Reed, Rhea, Rice, Richards, Ringgold, Ruggles, Sampson, Sawyer, Scudder, Settle, Shaw, Silsbee, S. Smith, Alexander Smyth, J. S. Smith, Stewart of North Carolina, Strong, Strother, Terry, Tompkins, Townsend, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Walker of Kentucky, Whitman, Williams of Connecticut, Williams of New York, and Williams of North Carolina.

So the resolution was not agreed to.

The result of the whole proceeding is, that the House have come to the following resolution:

“That Congress have power, under the Constitution, to appropriate money for the construction of post roads, military and other roads, and of canals, and for the improvement of water-courses.”

Mr. POINDEXTER then submitted for consideration the following resolution:

“Resolved, That Congress have power, under the Constitution, to appropriate money in aid of the construction of roads and canals, which shall be laid out, and constructed, under the authority of the Legislature of the States through which they pass.”

After some conversation—

The question being taken thereon, was decided in the negative.

Mr. LOWNDES then remarked, that, after the decision of this House to-day, there could be no doubt that a large majority of the House entertained the conviction of the power of Congress to appropriate money for the purpose of constructing roads and canals. The sense of the House being thus ascertained, and the obstruction removed to any proposition embracing that object; he moved that the further consideration of the report lie on the table.

The motion having been agreed to—

Mr. TUCKER, of Virginia, from the Committee on Roads and Canals, reported a bill making further appropriations for the Cumberland road; which was twice read and committed.

OUR RELATIONS WITH SPAIN.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Speaker of the House of Representatives:

In compliance with a resolution of the Senate, of the 16th December, and of the House of Representatives, I lay before Congress, a report of the Secretary of State, and the papers referred to in it, respecting the negotiation with Spain. To explain fully the nature of the differences between the United States and Spain, and the conduct of the parties, it has been found necessary to go back to an early epoch. The recent correspondence, with the documents accompanying it, will give a full view of the whole subject, and place the conduct of the United States, in every stage, and under every circumstance, for justice, moderation, and a firm adherence to their rights, on that high and honorable ground, which it has invariably sustained.

JAMES MONROE.

WASHINGTON, March 14, 1818.

DEPARTMENT OF STATE, March 14, 1818.

The Secretary of State, to whom have been referred the resolution of the Senate, of 16th December, and of the House of Representatives of the 24th February last, has the honor of submitting to the President the correspondence between this Department and the Spanish Minister's residence here, since he received the last instructions of his Government to renew the negotiations which, at the time of the last communication to Congress, was suspended by the insufficiency of his powers. These documents will show the present state of the relations between the two Governments.

As in the remonstrance by Mr. de Onis, of the 6th of December against the occupation by the United States of Amelia Island, he refers to a previous communication from him, denouncing the expedition of Sir Gregor McGregor against that place, his note of 9th July, being the paper thus referred to, is added to the papers now transmitted. Its date, when compared with that of the occupation of Amelia by McGregor, will show that it was written ten days after that event; and the contents of his note of 6th December, will show that measures had been taken by the competent authorities of the United States to arrest McGregor as soon as the unlawfulness of his proceedings within our jurisdiction had been made known to them by legal evidence, although he was beyond the reach of the process before it could be served upon his person. The tardiness of Mr. Onis's remonstrance is of itself a decisive vindication of the magistrates of the United States against any imputation of neglect to enforce the laws; for, if the Spanish Minister himself had no evidence of the project of McGregor, sufficient to warrant him in addressing a note upon the subject to this Department, until ten days after it had been accomplished, it cannot be supposed that officers, whose authority to act commenced only at the moment of the actual violation of the laws, and who could be justified only by clear and explicit evidence of the facts in proof of such violation, should have been apprized of the necessity of their interposition in time to make it effectual before the person accused had departed from this country.

As, in the recent discussions between Mr. Onis and this Department, there is frequent reference to those of the negotiation at Aranjuez in 1805, the correspondence between the Extraordinary Minister of the United States at that period, and Don Pedro Cevallos, then the Minister of Foreign Affairs in Spain, will be also submitted as soon as may be, to be laid before Congress, together with the correspondence between

Don Francisco Pizarro and Mr. Erving, immediately preceding the transmission of new instructions to Mr. Onis and other correspondence of Mr. Onis with this Department, tending to complete the view of the relations between the two countries.

JOHN QUINCY ADAMS.

[Accompanying this report were the documents, of which the following is a list:]

No. 1. Don Luis de Onis to the Secretary of State, 9th July, 1817.

No. 2. The same to the same, 6th December, 1817.

No. 3. The same to the same, 10th December, 1817.

No. 4. The Secretary of State to Don Luis de Onis, 16th December, 1817.

No. 5. Don Luis de Onis to the Secretary of State, 29th December, 1817.

No. 6. The same to the same, 5th January, 1818.

No. 7. The same to the same, 8th January, 1818.

No. 8. The same to the same, 8th January, 1818.

No. 9. The Secretary of State to Don Luis de Onis, 16th January, 1818.

No. 10. Don Luis de Onis to the Secretary of State, 24th January, 1818.

No. 11. The same to the same, 10th February, 1818.

No. 12. The Secretary of State to Don Luis de Onis, 12th March, 1818, (with enclosures, A. 1, B. 2, C. 3, D. 4, E. 5.)

The Message and accompanying documents was referred to the committee on so much of the President's Message "as relates to the subject of Foreign Affairs."

MONDAY, March 16.

Mr. MARR presented a petition of the General Assembly of the State of Tennessee, praying that such measures may be adopted, as will enable of citizens of that State to take possession of lands purchased by them from the State of North Carolina, and which are now held by the Chickasaw Indians, under a treaty concluded with the United States.—Referred to the committee appointed on the 17th December last, respecting the Indian title to lands within the State of Kentucky.

Mr. ROBERTSON, of Louisiana, presented a petition of Gales & Seaton, stating, that they propose to publish a *History of Congress*, from the commencement of the Government to the present day, and praying the aid and patronage of Congress in their said publication; which was read, and referred to a select committee; and Mr. ROBERTSON, Mr. TYLER, Mr. HOPKINSON, Mr. HOLMES, of Massachusetts, and Mr. SIMKINS, were appointed the committee.

Mr. SCOTT presented petitions of sundry inhabitants of the Territory of Missouri, praying that the said Territory may be admitted into the Union, as a State, on an equal footing with the original States; which were, together with the petitions of a similar nature, heretofore presented at the present session, referred to a select committee; and Mr. SCOTT, Mr. ROBERTSON of Kentucky, Mr. POINDEXTER, Mr. HENDRICKS, Mr. LIVERMORE, Mr. MILLS, and Mr. BALDWIN, were appointed the committee.

Mr. SCOTT also presented a petition of sundry inhabitants of the southern part of the Territory of Missouri, praying for a division of the said Territory; which was referred to the committee last appointed.

The SPEAKER presented a petition of sundry inhabitants of the counties of Lehigh and Northampton, in the State of Pennsylvania, stating the misconduct of certain officers of the militia of the said counties, whilst sitting on courts martial for the trial of persons who failed to perform their tour of duty under the requisitions of the President, during the late war; that they have improperly applied the public moneys coming into their possession, and that they have contracted unnecessary and improper expenses whilst acting on said courts martial, which are charged to the United States; and praying that the subject may be investigated, and the abuses of which they complain corrected.—Referred to the Committee of Ways and Means.

Mr. BLOUNT, from the Committee on the Post Office and Post Roads, reported a bill to augment the salary of the Postmaster General; which was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS made a report on the petition of Renner and Heath, which was read; when, Mr. W. reported a bill for the relief of Daniel Renner, and Nathaniel H. Heath, which was read twice, and committed to a Committee of the Whole.

Mr. LOWNDES, from the Committee of Ways and Means, to which was referred the amendments proposed by the Senate to the bill, entitled "An act fixing the compensations of the Secretary of the Senate, and Clerk of the House of Representatives, and of the clerks employed in their offices," reported the agreement of the committee to the said amendments, and they were committed to a Committee of the Whole.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of Ebenezer Stevens and others, which was read; when, Mr. R. reported a bill for the relief of Ebenezer Stevens and Lucretia Stevens, late Lucretia Sands, and others, which was read twice, and committed to a Committee of the Whole.

Mr. HUGH NELSON, from the Committee on the Judiciary, to whom was referred the bill from the Senate, entitled "An act to extend the jurisdiction of the circuit courts of the United States, to cases arising under the law relating to patents," reported the same without amendment, and the bill was committed to Committee of the Whole.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the relief of Harold Smyth; which was read twice, and committed to a Committee of the Whole.

Mr. THOMAS M. NELSON, from the committee appointed on the 18th of December last, to inquire into the expediency of extinguishing the Indian title to certain lands within the State of Kentucky, granted by the State of Virginia, to her officers and soldiers in the Revolutionary army, made a

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Internal Improvements.

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report, in part, which was read; when, Mr. N. reported a bill making appropriations for the purpose of extinguishing Indian claims, which was read twice, and committed to the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, and for designating the western boundary line of the Virginia military tract.

Mr. POINDEXTER, from the committee appointed for the purpose, reported a bill authorizing the election of a delegate from the Michigan Territory, to the Congress of the United States, and extending the right of suffrage to the citizens of said Territory, which was read the first time.

Mr. TALLMADGE, from the committee on that part of the President's Message which relates to roads, canals, and seminaries of learning, reported a bill authorizing the subscription of stock in the Delaware and Chesapeake Canal Company; which was read twice, and committed to the Committee of the Whole, on the bill from the Senate, "in addition to an act making appropriations for repairing certain roads therein described."

Mr. MERCER, from the committee to whom it had been referred, reported the resolution from the Senate directing the publication of the journal of the convention, with an amendment, proposing the publication of the Secret Journals of Congress, and its correspondence with foreign Powers, prior to the Treaty of Peace with Great Britain in 1783.

Mr. BASSETT moved further to amend the said resolution by striking out these words: "of which one copy shall be furnished to each member of the present Congress."

The motion to amend was rejected by the House, and the resolution was ordered to be engrossed, and read a third time to-morrow.

The House took up the amendments proposed by the Senate to the bill, entitled "An act to provide for delivering up persons held to labor or service in any of the States or Territories who shall escape into any other State or Territory," and being read, were again ordered to lie on the table.

The House then, in Committee of the Whole, considered the report unfavorable to the petition of James Bursiel, which, notwithstanding the earnest opposition of Mr. CLAGETT, was concurred in.

Ordered, That one thousand four hundred copies of the Message from the President of the United States, of the 14th instant, upon the subject of our relations with Spain, together with the documents accompanying the same, be printed for the use of the members of this House, in addition to the usual number heretofore ordered.

INTERNAL IMPROVEMENT.

The House then went into a Committee of the Whole, on the bill from the Senate making appropriations for repairing and keeping in repair certain roads, from Fort Hawkins to Fort St.

Stephens, and from Columbia in Tennessee, by the Choctaw Agency, to Madisonville in Louisiana. To the same Committee had been referred a bill, reported to-day, respecting the Chesapeake Canal.

Mr. H. NELSON spoke a short time in opposition to the bill, viewing it as a part of a system of encroachment on State rights, which ought to be resisted in every stage and under every form.

Mr. ROBERTSON, of Louisiana, supported the bill against Mr. NELSON's objections, and on its own merits. He supported it also on the ground that, in this instance, no authority but the United States could make the road, since it passed over a tract of country to which the Indian title is not yet extinguished, and over which the jurisdiction of the United States is not disputed.

Mr. FORSYTH and Mr. POINDEXTER also supported the bill on the same ground, and Mr. NELSON replied.

No amendment having been proposed to this bill, the Committee proceeded to the consideration of another bill, reported this morning, and which had been referred to the same Committee, authorizing the subscription to the stock of the Chesapeake and Delaware Canal Company.

The consideration of this bill gave rise to debate, in which the gentlemen named below took part—

Mr. McLANE explained, at some length, the advantages of the contemplated canal, as connecting the waters of Delaware with those of the Chesapeake Bay, and stated the views of the Company in desiring to interest Congress in the work.

[From the elucidation of this business by Mr. McLANE, it appears that the original stock of the Company was \$400,000, of which about \$150,000 have been paid up and expended. The State of Pennsylvania has agreed to take an additional stock to the amount of \$75,000; Maryland to the amount of \$50,000, and Delaware to the amount of \$20,000, provided the United States agreed to take shares to the amount of \$150,000. The estimated expense of the work is \$800,000; the balance is expected to be made up by individual subscription.]

Mr. BASSETT, under the belief that Congress had not the power to appropriate the public money for the purpose designated in the bill, moved to strike out the whole of the bill, after the enacting clause.

Mr. PITKIN wished for something more definite, respecting this proposition, than was to be found in the bill. He wished to know what control the United States were to have over the location or expenditure on the canal; whether they were to have the appointment of any portion of the directors, &c. It appeared that Pennsylvania and Maryland had agreed to take a certain number of shares, provided the United States did the same; but, even after these joint subscriptions were added to the funds of the company, there would yet be a deficiency of three or four hundred thousand dollars, as only a part of the subscribed capital was forthcoming. Respecting canals generally, Mr. P. did not consider them as objects of profit-

able investment of money; yet, he acknowledged, there might be canals of such great national importance, that the Legislature would be justly induced to subscribe to them. But, before he enlisted in any project of the kind, he wished to know the extent to which he was going. To afford some time to understand this subject, he moved that the Committee rise and ask leave to sit again.

MR. BALLARD SMITH inquired whether the Committee on Internal Improvement intended to report any general bill for internal improvement. Whether they did or not, it appeared to him that the House should have before it at one view the several propositions for great national improvements, that the merits of each might be examined and compared, collectively and separately.

MR. TALLMADGE, of New York, said he believed he was authorized to state that the select committee did contemplate to submit a system of internal improvements for the consideration of the House. He regretted the state of his health had prevented him from taking part in the late debate on the subject, as it was his intention to have pointed out a summary of the plan in his opinion the most proper to be adopted. At this time it was only proper for him to state, that the committee had reported the present bill making provision for repairing the roads therein mentioned, because they deemed it of essential importance to that district of country. The intercourse with Louisiana was greatly dependent upon it, and it was essential to the convenient supplies for the Southern army, now under General Jackson, that the roads mentioned in the bill should be repaired. The situation of those roads, and the necessities of that part of the country, would not admit of delay; and, therefore, the committee had yielded to the pressure, and had reported the present bill in anticipation of the system contemplated by them.

MR. T. said, he had no doubt that it had now become an imperative duty for the committee to recommend, and the country to adopt, a system of internal improvement, calculated to provide for the national defence, and which would, at the same time, promote commerce between the States, and facilitate the progress of the mail. That, in deliberating upon this subject, the committee had viewed with anxious solicitude the recent situation of the country during the late war; that, with an extensive territory, and possessing within ourselves the products and the abundance of almost every clime, our coasts had been under a blockade, and for the want of the means of internal intercourse our country had suffered many privations. We had seen the Southern planter overloaded with the superabundance of his products, and yet, unable from the state of the country to carry them to market, he was suffering under poverty and want; we had seen the manufactories of the Eastern States shut up and discontinued, and that portion of the people reduced to distress, and almost to ruin, for the want of the raw materials from the South, with which to proceed in their beneficial labors; and while

the South and the East have thus severely suffered from the inability to interchange and relieve each other's wants, we have witnessed a people and an army on the Northern and Western frontier, suffering every privation, and almost naked from the want of those fabrics which the manufactories of the East would gladly have wrought from the products of the South. Thus, in the possession of every means, and with abundance to answer every demand, but without the facilities of interchange and of internal intercourse, our country has experienced the privations of every want and the expenses of every disadvantage. To remedy some of these defects, and to guard against like calamities in future, the committee contemplate to recommend internal improvements on the Atlantic coasts, tending to provide for the common defence, and, by uniting Georgia to Maine, more effectually to consolidate the Union. As a part of this system, they have this day reported a bill to aid in uniting, by a canal, the Chesapeake and the Delaware.

MR. T. said, the select committee had also viewed the Columbia road as a work of great national importance, and which required provision for its completion, and strongly exemplified the inefficiency of State authority to consummate such objects, and the duty of the Union to secure its completion. He said that road ran through three States, Virginia, Maryland, and Pennsylvania, all of which were less interested in the road than the District of Columbia, or the Western States, towards which the road pointed; and that its completion was therefore justly considered a subject of great national importance, and upon which the safety and welfare of the Western States, in a military and commercial point of view, materially depended. It also strongly exemplified that class of improvements which were intimately connected with the prosperity of the Union, and justly became objects of national legislation, and as distinguished from transverse roads through towns and counties for local accommodation, and which properly formed a subject of local legislation and State jurisdiction. Sir, said Mr. T., it is a fact worthy the observation of the House, that, while the unanimous opinion of the nation requires the Government to establish forts and defend the Western frontier—that while the subject of internal improvement has been before us—that while we have been debating upon the power of our Constitution, which commands us to provide for the common defence and general welfare, the War Office is actually settling accounts, and paying at the rate of one hundred and twenty-seven dollars per barrel for pork consumed in our Western garrisons. I mention not this fact, said Mr. T., as finding fault with the Administration, or with any department. They have no alternative but to surmount by expenditures the difficulties of transportation. But shall we require the Government to defend the country, and sit here debating and doubting our power to provide adequate means? Shall we witness the necessity of such wasteful extravagance, and yet refuse the remedy by a rational

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system of internal improvements? It is but to exhaust the treasures of our country and participate in a political suicide. Sir, said Mr. T., the exigencies of the Western frontier, and the unanimous expression of the nation, have called aloud for the late naval armament on Lake Erie—an armament which produced such important benefits to the country, and reaped for our nation such an abundant harvest of glory. The munitions of war for that armament were sent from the Seat of Government. The distance is less than four hundred miles, and yet, from the inability to pass from this place direct to Erie, I am informed at the Navy Department, that all the articles were transported by the way of Albany, a distance of nearly nine hundred miles transportation. The cost of a cannon at this place is nearly four hundred dollars, while the expenses of transportation on this circuitous and protracted route was from one thousand five hundred to two thousand dollars for each gun. Mr. T. said from information that he had derived from the War and Navy Departments, he was authorized to say, that the expenses of transportation on the Western frontier, during the late war, would have opened turnpike roads through the Western States.

To remedy these and like inconveniences, of which Mr. T. said, he had suggested only a small portion, and with a view to relieve the country from such exorbitant expenses, incident to the present rate of transportation, he was happy to answer to the inquiries that had been made, that the select committee did contemplate to submit for the consideration of this House objects of internal improvement worthy the national attention, and that the committee would proceed as fast as this House should evince a willingness to cherish the subject, and lay aside those Constitutional scruples which had presented such serious obstacles to legislation on this subject.

Mr. FORSYTH made some remarks to show the impracticability of devising any general system of improvement. To attempt to embrace in one bill all necessary improvements, would be to defeat every proposition of that sort, since it was impossible to reconcile all the jarring interests of the various sections of the Union. The House must, therefore, to act with effect, decide on the various propositions as presented to them, on their own merits.

Mr. TALLMADGE again spoke, and added some illustrations of his former observations.

Mr. TUCKER spoke in favor of the bill before the Committee. There was no subject of internal improvement, about which there was a more general assent in favor of it than there was in regard to the Chesapeake and Delaware Canal.

Mr. PITKIN again rose, to protest against legislating on this subject, without any precise information of the extent of the system into which it was proposed to enter. When the bill for appropriating the bonus of the Bank of the United States, for the purpose of internal improvement, passed at the last session, a specific sum was proposed as the limit, and Congress knew the extent to which they were to go. Were the United

States, he again asked, to become stockholders, and to have no share in the management of the affairs of the canal? Having an interest in the improvement, it ought also to have some share in the management of it. He did not object to the power of Congress to appropriate money for these purposes, but he desired to see a limit to the expenditure, &c.

Mr. MENCER opposed the motion in a speech of some length. As to the management of the affairs of this company, he had no apprehension of its not being in safe hands, since the charter had been granted by the enlightened Legislature of one State, and approved by two others, who had determined to invest a part of their funds in it. Although he agreed that a general principle should be established for the regulation of future improvements, yet, as a company already exists for opening this canal, and the work is already commenced, he thought it might well, considering the great importance of the object, be made an exception to the general provision. Although, he further remarked, he should be well disposed to vote for a general system of improvement very analogous to the system embraced by the bill of the last session, which had been referred to, he should be sorry to see the improvement of the country restricted to the narrow limits of that bill; he should be very sorry that the national system of internal improvement should move with no greater celerity than would be produced by the appropriation to that object of the stock of the Government in the Bank of the United States. The objects to be effected were of primary importance; and, if restricted to the tardy pace at which the limited amount of three or four hundred thousand dollars annually would impel them forward, centuries must elapse before even a foundation could be laid of a system of internal improvement commensurate with the extent and resources of the country.

Mr. SERGEANT, of Pa., opposed the motion by arguments favorable as well to the particular object before the House, as to canals generally. The canal, from the Delaware to the Chesapeake, being one of unquestionable utility, of great national importance, one to which the nation would apply its resources, if at all, if this bill did not pass, there was no hope of any practical result from the late decision of the House, &c. In regard to a general system of appropriating money, to be expended in the States according to their representation in Congress, Mr. S. showed that that system would not answer; since the proportion of Delaware, for instance, would be wholly inadequate to the completion of this canal, which is to run within the State of Delaware, and yet is more important to Pennsylvania and Maryland than to her, and is of very general importance to the United States, &c.

Mr. PITKIN again spoke of the necessity of a clear view of the magnitude and expense of the undertaking. Our redundant Treasury, on which gentlemen appeared to calculate, would not last a great while, he believed. What was to be the future situation of the country, who would un-

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dertake to say? The Spanish negotiation, it appeared, was broken off; the result of that business no one could foretell any more than they could what other uses we may have for money hereafter, &c.

Mr. LOWNDES said, that, before acting on a proposition of this kind, the House ought to have before it ample information, not oral merely, but official, relative to the present pecuniary situation of the company, the value of its property, the amount of debts it owes, &c. While he was disposed to favor internal improvement, he thought that, in relation to any particular project, the House should inquire fully and accurately, and have the facts laid on their table, &c. He did not suppose that any member was so much attached to the cause of internal improvement that he would rush into it blindfold, without being prepared by proper information.

Mr. McLANE said, in reply to the suggestion of Mr. LOWNDES, that the subject had already been before Congress, at different times, and in a variety of forms, and ample reports of all the facts had been made, which were to be found among the records of the House. There would be found all the facts relative to the original amount of stock, the amount subscribed, the amount paid, &c. And, on examining the statutes of Pennsylvania and Maryland, it would be found that such acts had been passed by them respectively, as he had described. In regard to a system, which some gentlemen desire to see, he said that it was not possible to say how far Congress might choose to go, but each gentleman had it in his power to say how far he would go. It was no objection to this proposition, that gentlemen did not know how far Congress might think proper to go hereafter. Mr. McL. showed the great importance of this canal in a national point of view, as connecting military posts, and affording the means of effectual defence. Keeping up but a small military force, it was the duty of Congress to provide the means by which that force and the munitions of war could, when necessary, be transported wherever wanted. The canal could be of little advantage to Delaware in any view, but was of great importance as a measure of national defence. To obviate the objection which some gentlemen had expressed to this appropriation, Mr. McL. read a proviso, leaving the subscription at the discretion of the President, after he shall have satisfied himself, by inquiring into the charter, &c., that the money may be safely invested.

Mr. LOWNDES did not consider it a sufficient answer to his suggestion, that information might be obtained by searching the statutes of the States. The very circumstance that the bill was only this morning reported, was a sufficient reason for deferring a decision on it. He knew of no object of internal improvement more worthy of attention than that in question; but he wished to see further information on the subject. He should, therefore, vote for the Committee's rising, with the hope that, in some shape, there would be spread on the table of the House, that infor-

mation without which they could not prudently act.

The Committee then rose, reported their assent to the bill respecting the Alabama and Tennessee roads bill, and reported progress on the canal bill.

The bill first mentioned was then ordered to be engrossed for a third reading, by yeas and nays—83 to 55, as follows:

YEAS—Messrs. Abbott, Anderson of Pennsylvania, Anderson of Kentucky, Baldwin, Barber of Ohio, Bateman, Bayley, Beecher, Bloomfield, Campbell, Cook, Crafts, Crawford, Cushman, Darlington, Elliott, Ervin of South Carolina, Forsyth, Hall of Delaware, Harrison, Hasbrouck, Hendricks, Herbert, Herkimer, Heister, Hitchcock, Holmes of Massachusetts, Hopkinson, Hubbard, Jones, Kinsey, Lawyer, Linn, Little, Lowndes, McLane, W. P. Maclay, Marchand, Marr, Mason of Massachusetts, Mason of Rhode Island, Mercer, Middleton, Moore, Morton, Mumford, Murray, J. Nelson, Ogden, Ogle, Owen, Palmer, Patterson, Pawling, Peter, Pindall, Pitkin, Poindexter, Rich, Richards, Robertson of Louisiana, Ruggles, Schuyler, Sergeant, Seybert, Slocumb, Southard, Spens, Spencer, Stewart of North Carolina, Tallmadge, Tarr, Taylor, Terrill, Trimble, Tucker of Virginia, Wallace, Westerlo, Whiteside, Whitman, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

NAYS—Messrs. Allen of Massachusetts, Allen of Vermont, Ball, Barbour of Virginia, Bassett, Bellinger, Bennett, Blount, Boden, Bryan, Burwell, Butler, Clagett, Culbreth, Earle, Edwards, Floyd, Gage, Garnett, Hale, Hogg, Holmes of Connecticut, Hunter, Huntington, Johnson of Va., Kirtland, McCoy, Merrill, H. Nelson, T. M. Nelson, New, Porter, Reed, Rhea, Rice, Sampson, Sawyer, Scudder, Settle, Shaw, Sherwood, Silsbee, Alexander Smyth, J. S. Smith, Strong, Strother, Tompkins, Townsend, Tucker of South Carolina, Tyler, Upham, Walker of North Carolina, Williams of Connecticut, Williams of New York, and Williams of North Carolina.

TUESDAY, March 17.

Mr. BLOUNT presented a petition of the General Assembly of the State of Tennessee, praying permission to withdraw the locations of certain lands in that State, heretofore appropriated by the General Government, for the use of colleges and academies, and to be permitted to cause other lands to be located and laid off in the same tract of country for the use of the said colleges and academies, with power to sell the same. As also that they may be authorized to grant or sell any vacant land which may be left within the limits of the country described in the first section of the act of April, 1806, "authorizing the said State to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," at such price, and upon such terms, as the General Assembly of the said State may deem proper.

Mr. MARR presented another petition of the General Assembly of the State of Tennessee, relating to the subject of land titles in that State, derived from the State of North Carolina, and praying that they may be authorized to proceed

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to perfect titles west of the Elk river line, upon all unsatisfied claims which exist against North Carolina, and which are good and valid.

Mr. POINDEXTER, from the Committee on Private Land Claims, reported a bill for the relief of General Moses Porter, which was read twice and ordered to be engrossed and read a third time to-morrow.

Mr. TALLMADGE and Mr. MILLS were appointed of the Committee on Foreign Relations in the places of Mr. GOODWYN, deceased, and Mr. ORR, who is absent on leave.

The resolution from the Senate "directing the publication and distribution of the journal and proceedings of the Convention which formed the present Constitution of the United States," was read the third time and passed, as amended.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act to vest, in trust, certain sections of land in the Legislature of the State of Ohio;" and "An act allowing additional salary and clerk hire to the surveyor for the Illinois and Missouri Territories, and for other purposes;" in which they ask the concurrence of this House.

The said bills were respectively read twice and referred to the Committee on the Public Lands.

The bill authorizing the election of a delegate from the Michigan Territory to the Congress of the United States, and extending the right of suffrage to the citizens of said Territory, was read twice, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. FORSYTH, the Committee on the Judiciary was instructed to inquire into the expediency of altering so much of the laws now in force for regulating the Territorial governments of the United States, as requires a freehold property in the Territories respectively as a qualification for office.

The bill for the relief of Abraham Byington, and the bill for the relief of Purley Keyes and Jason Fairbanks, severally passed through Committees of the Whole, and were ordered to be engrossed for a third reading.

The House then went into Committee on the bill to suspend the act of limitations, so far as regards certain loan office and final settlement certificates; which, having received sundry amendments, was reported to the House, the amendments concurred in, and the bill ordered to be engrossed for a third reading.

The SPEAKER laid before the House, a letter from the Secretary of the Navy, transmitting his report on the petition of John Killgore, which was read and ordered to lie on the table.

RULES OF THE HOUSE.

The House then, on motion of Mr. TAYLOR, proceeded to consider the amendment to the rules and orders of the House, submitted by him on the 10th instant.

Mr. TAYLOR explained the advantages which he conceived would result to the business of legislation by the adoption of this rule; the parti-

culars in which it differed from a similar proposition offered at a former session by Mr. HOPKINSON, its exemption from the objectionable features of the former proposition, &c.

Mr. HOPKINSON supported the proposition, and briefly recapitulated the unnecessary repetition of labor of committees, &c. which it would prevent, the expedition which it would produce in acting on the public business, &c.

The proposition was then agreed to, without a division, as follows:

"After six days from the commencement of a second or a subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place."

JAIL IN ALEXANDRIA.

The bill making an appropriation for the erection of a jail, and authorizing the Levy Court to erect, at their own expense, a court-house, &c. in the county of Alexandria, passed through a Committee of the Whole, and was reported without amendment.

On the question of ordering the said bill to be engrossed, some debate arose, in which Messrs. HERBERT, FORSYTH, COBB, and PINDALL, advocated the appropriation, and Messrs. BEECHER, SOUTHARD, and LIVERMORE, opposed it, on different grounds.

Mr. LINN moved to strike out the first section, (making the appropriation for the jail,) which was agreed to; and the remaining sections, after some discussion, were, with the addition of an enacting clause, ordered to be engrossed for a third reading.

THE LAWS IN MISSISSIPPI.

The House went next into Committee on the bill providing for the due execution of the laws of the United States in the State of Mississippi.

Some conversation took place on the amount of compensation proper to be allowed to the district judge to be created in the State.

Mr. POINDEXTER moved and advocated the sum of two thousand dollars, in which he was supported by Mr. CLAY, a liberal allowance being contended for on the ground of the peculiar and burdensome duties to be performed, and the sacrifices to be made by the district judge, there acting also as circuit judge.

The motion to fill the blank with two thousand dollars was carried—57 to 55.

Mr. POINDEXTER then moved a salary of five hundred dollars to the United States attorney, in the new State, instead of two hundred dollars, which had been reported by the Judiciary Committee, which motion was disagreed to; also, successive motions to insert four hundred and three hundred dollars.

The Committee then rose, and the House taking up the amendments, the sum of two thousand dollars, inserted as the salary of the judge, was, after some discussion, concurred in, 64 to 48

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and the bill ordered to be engrossed for a third reading.

NEUTRAL RELATIONS.

The House went into Committee of the Whole on the bill in addition to "An act for the punishment of certain crimes against the United States," and to repeal the acts therein mentioned, (to enact into one, with amendments, the several acts heretofore passed to enforce the neutral obligations of the United States.)

Mr. FORSYTH rose in explanation of the views of the Committee of Foreign Relations in proposing this bill, which was the result of the general inquiry into the various existing acts on this subject which had been referred to them, and which it was presumed answered the intentions of the House in directing the inquiry. Mr. F. briefly recapitulated the history of the several laws passed on this subject, from the act of 1794, rendered necessary by the French revolution, and the want of sufficient power in the Executive to enforce on our own citizens the observance of neutrality, down to the act of the last session; and concluded by explaining the amendment which the committee had deemed necessary to the strict impartiality of the provisions of the general bill they had reported.

Mr. ROBERTSON, of Louisiana, after submitting his reasons for disputing the propriety of some of the former acts; for believing that the provisions of the present bill exceeded the obligations imposed on us by a just regard to neutral duties, and went further than the neutral acts of any other nation—moved, first, to strike out the following proviso:

"That if any person so enlisted, shall, within thirty days after such enlistment, voluntarily discover upon oath to some justice of the peace, or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended or convicted of the said offence, such person so discovering the offender or offenders, shall be indemnified from the penalty prescribed by this act."

This motion was agreed to without a division.

Mr. CLAY offered some general remarks on the offensive nature of the bill, which, he said, instead of an act to enforce neutrality, ought to be entitled, an act for the benefit of His Majesty the King of Spain. He also expressed his unwillingness thus to be called on to re-enact laws already in force, of which he did not wish to have now the labor of investigating their principles, or the responsibility, if wrong, of renovating and participating in them. Sufficient, he thought, for the day, was the evil thereof; and he was sorry the committee had not contented itself with bringing forward some original proposition, without hunting out and bringing up for re-enaction all the old laws heretofore passed on the subject. There was a great difference between suffering acts to remain unrepealed, and bringing them up for re-enactment, and he gave notice that, after this bill should be made as perfect as its friends could make it, he should submit a single proposition to leave the act of 1794

in force, and to repeal the acts of 1797 and of 1817. Mr. C. concluded by moving to strike out of the second section the words which make it penal for a person to "go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered," in the service of any foreign Prince or State.

Mr. FORSYTH opposed the motion, and observed, that after the great labor which the committee had undertaken on this subject, at the instance of the Speaker, (Mr. CLAY,) they had some reason to complain of his remarks on the course they had taken. A general inquiry into the subject and revision of the acts had been referred to them, and the committee had found it easier and better to amend and bring into one general bill all the acts, than to adopt any other course. Mr. F. said that, so far from operating unfairly against the cause of the patriots, this bill removed certain provisions of the act of 1797, which bore exclusively on that cause, denouncing the severest penalties against those of our citizens who aid them, which this bill would render equal and impartial. Mr. F. adduced some arguments to show the propriety of retaining the provision moved to be stricken out; but, after some conversation between Mr. CLAY and Mr. FORSYTH, the question was taken, and Mr. CLAY's motion agreed to without a count.

Mr. ROBERTSON, of Louisiana, objected to the penalties proposed by the bill, as unreasonably severe, and, instead of a fine of \$10,000, and ten years imprisonment which the judge might, at his discretion, impose on the offender—moved to substitute \$2,000 and three years.

This motion was opposed by Messrs. FORSYTH, SMITH of Maryland, LIVERMORE, and RHEA, and supported by Messrs. ROBERTSON of Louisiana, CLAIBORNE, and BALL.

The question being divided, the motion to reduce the fine was negatived—ayes 40; and the motion to reduce the limit of imprisonment was carried—62 to 60.

Mr. HOLMES, of Massachusetts, moved to amend the section so as to leave it to the discretion of the judge to inflict both fine and imprisonment, or one only, instead of being obliged, as the bill stood, to impose both, if either.—Negatived—ayes 55.

Mr. HERRICK moved to reduce the fine to \$5,000; which was also negatived.

After some other unsuccessful motions of minor importance—

Mr. FORSYTH moved to strike from the third section the provision which makes it penal for any citizen to fit out or arm, without the jurisdiction of the United States, any ship or vessel with intent to commit hostilities upon the citizens or subjects of a friendly State—leaving in this section only the provision against such citizens of the United States as shall, beyond our jurisdiction, fit out vessels to commit hostilities against the citizens of the United States.

This motion produced a good deal of debate, principally on the expediency of striking out the whole section, and on the impropriety of still

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retaining a feature in the bill which would admit the possibility of a crime so monstrous and improbable as that of citizens going abroad to commence war upon the citizens and commerce of their own country, and which, even if committed, would be punishable either as treason or piracy.

Messrs. CLAY, ROBERTSON, FORSYTH, SMITH of Maryland, and PITKIN, joined in the discussion; but, before any question was taken, the Committee rose, and the House adjourned.

WEDNESDAY, March 18.

Mr. HARRISON presented a petition of Nathaniel Champe, on behalf of himself, and the widow and other children of John Champe, deceased, sergeant major of Lieutenant Colonel Henry Lee's squadron of dragoons, in the Revolutionary army, praying that some provision may be made for the support of his mother, and that a grant of land may be made to himself and her other children, in consideration of the secret, but eminent and highly important services, rendered by their father, under the orders and directions of the late General Washington.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. H. NELSON, from the Committee on the Judiciary, to which was referred the resolution from the Senate "directing the distribution of the laws of the fourteenth Congress among the members of the fifteenth Congress," reported the same with an amendment, which was read and concurred in, and the amendment ordered to be engrossed, and the resolution read a third time to-morrow.

Mr. WILLIAMS, of North Carolina, reported a bill for the relief of Samuel F. Hooker; which was read twice, and committed.

Mr. HERBERT, from the District Committee, reported a bill to incorporate the Medical Society of the District of Columbia; which was read twice, and committed.

The engrossed bills for the relief of General Moses Porter; authorizing the election of a Delegate from the Michigan Territory to the Congress of the United States, and extending the right of suffrage therein; for the relief of Abraham Byington; for providing for the erection of a jail and court-house in the county of Alexandria, in the District of Columbia; for providing for the execution of the laws of the United States within the State of Mississippi; and for authorizing the payment of certain certificates;—were severally read a third time, and passed.

The bill for the relief of Purley Keyes and Jason Fairbanks was read a third time; but, being opposed by Mr. OGDEN and by Mr. SPENCER, was rejected.

Mr. PINDALL moved that the Committee of the Whole be discharged from the further consideration of the bill "in addition to the 'act for the punishment of certain crimes against the United States,' and to repeal the acts therein mentioned," and that the same be indefinitely postponed.

On this motion some debate took place—Mr. P.

grounding it on the idea that it was certain nothing practical could result from the further discussion of the subject, &c., and that there was much business of practical importance before the House.

The motion was opposed, but succeeded, by a vote of 72 to 62.

CASE OF MR. HERRICK, AND OTHERS.

The House then resolved itself into a Committee of the Whole on the report of the Committee of Elections on the cases of Mr. Herrick, Mr. Earle, and Mr. Mumford, members of this House.

Mr. ADAMS opposed this report, in a speech of moderate length; when

Mr. CLAY, without entering into the subject before the House, moved that the Committee rise, with a view to give an opportunity for some gentleman to move a reconsideration of the vote for indefinite postponement of the bill last mentioned, that he might have an opportunity to move a specific proposition for amending that bill, which he had yesterday pledged himself to move, &c.

After debate, this motion succeeded; and the House having agreed to reconsider the vote of postponement, again resolved itself into a Committee, on the bill above mentioned.

THE NEUTRALITY BILL.

A motion (made yesterday) to amend the fourth section of the bill, was now agreed to—the effect of which was to confine the provisions of that section to the punishment of any citizens of the United States who should fit out vessels to cruise against the commerce of the United States, leaving out what related to the commerce of foreign nations.

Mr. CLAY rose to propose an amendment he had before indicated. Amended as it had been, Mr. C. said he had no objection to retaining the fourth section; but moved to strike out all the remainder of the bill, except so much as retains the provisions of the act of 1794, and repeals the acts of 1797 and 1817—the simple effect of which amendment would be to repeal the act of 1797 and that of 1817. In the propriety of repealing the act of 1797 he understood the chairman of the Committee of Foreign Relations to concur. Of course, then, it would only be necessary to show that the act of the last session ought to be repealed; and that it goes beyond any neutral duty we can owe. In the threshold of this discussion, Mr. C. said, he confessed he did not like much the origin of that act. There had been some disclosures, not in an official form, but in such a shape as to entitle them to credence, that showed that act to have been the result of a *teasing* on the part of foreign agents in this country, which he regretted to have seen. But, from whatever source it sprung, if it was an act necessary to preserve the neutral relations of the country, Mr. C. said it ought to be retained. But this he denied. The act was predicated on the ground that the existing provisions did not reach the case of the war now raging between Spain and the South American provinces. In its pro-

visions it went beyond the obligations of the United States to other Powers, and that part of it was unprecedented in any nation, which compelled citizens of the United States to give bonds not to commit acts without the jurisdiction of the United States, which it is the business of foreign nations, and not of this Government, to guard against. Does the act of 1794, said Mr. C., embrace the case of the Spanish patriots? That was the question, and it was not worth while to disguise it. If St. Domingo was not included, as had been said, in the act of 1794, it would not follow that that act did not embrace the case of the Spanish patriots. What was the condition of St. Domingo? Had the Executive of the United States ever acknowledged, in regard to that war, that it was a civil war, respecting which the United States stood in a neutral relation? No such acknowledgment, he said, had ever been made, in respect to the war in that island, as had been expressly made by the Executive in regard to the war in South America, that it was a civil war. And, when the courts came to apply the law to cases before them, having the decision of the Executive to guide them, they must decide that the law of 1794 is applicable to both parties. The act of 1817, consequently, was wholly unnecessary to the object for which it was avowedly enacted, and was one of superfluous legislation. Mr. C. said he recollected with pleasure that he gave his negative to it; that every member from the State of which he was a Representative did the same. He recollected that sixty-three members of that part of this House, with whom it had been, and would always be, his pride and pleasure to act, had recorded their votes against it. The voice of the country had since pronounced its doom, and left for Congress nothing to do but to repeal the act. Disguise it as you will, said he, the world has seen the act in its true character; has regarded it as a measure calculated to affect the struggle going on in the South, and discovered that, however neutral in its language, its bearing was altogether against the cause of the patriots. How, asked he, is that war now carried on? But for the supplies drawn from this country through Havana for sustaining the army of Morillo, this modern Alva, whose career is characterized by all the enormities which have consigned to perpetual infamy the name of his great prototype; but for the supplies drawn through Havana, whose port is open to us only for the sake of those supplies, General Morillo could not have supported his army. This fact he had from the highest authority, from the commander of one of our national vessels who had been on a cruise in that quarter and had received it from the lips of Morillo himself. It becomes us, Mr. C. said, really and bona fide to perform our neutral obligations. He had seen and heard of circumstances respecting this subject, humiliating in the extreme. He had been told, for instance, that in the case lately argued in the Supreme Court of the United States, of some of those individuals tried in the court of the United States at Boston, not only

was the Attorney General ready at his post, as he should be, to attend to it, but the attorney for the Massachusetts district was there to argue it also; and, not satisfied with this, a foreign agent was seen attending the court, to see probably that nothing was omitted, and not even a poor *Amicus Curie* was there to speak for the accused. Such was the state of the case that the humanity of the Attorney General had interposed, and induced that highly meritorious officer to make some suggestions favorable to those individuals. Was there a man in this country, Mr. C. asked, who did not feel his conscience reproach him for that transaction?

The act of 1797 being given up on all hands, and the act of 1817 being, as he thought he had shown, unnecessary, he hoped his motion would prevail. If, however, contrary to his belief, the House should decide that the act of 1794 did not cover the case of the existing civil war, and the act of 1817 should be thought necessary to bring it within the provisions of the act of 1794, Mr. C. said he should, in that event, submit another proposition to amend the bill, predicated on the idea that some provision was necessary in addition to the act of 1794.

The motion of Mr. CLAY to amend the bill having been stated from the Chair—

Mr. FORSYTH said he was opposed to the motion, and could not but suppose the honorable Speaker himself was doubtful of its success, as he had drawn before the House a variety of considerations which had no bearing on the question. Mr. F. denied, in the first place, that public sentiment had condemned the act of 1817. It was true, indeed, that certain exclusive friends of liberty, at the head of presses in the United States, had condemned this act; but, so far as we have any expression of opinion from the great body of the people of the United States, from the thinking part of the community, the act had been approved. But the Speaker had informed the Committee that sixty-three members of the House had opposed that act, and that all the members from a certain section of the country were in favor of it. This was another point, Mr. F. said, on which he differed from the honorable Speaker. The act of 1817, as it stands, came into this House on the 3d of March, 1817, and was passed by a large majority, the yeas and nays not having been required on it. How the Speaker then had ascertained the political complexion of those who voted for the bill, Mr. F. knew not; as far as he recollected, a very small minority had voted against it. That part of the bill which had been objected to in this House, had been stricken out in the Senate, and the bill, so amended, and as it now stands, was scarcely opposed on its final passage. There was, therefore, no decided political sentiment expressed on the passage of the bill. But, to excite prejudice against the act of 1817, another ground had been taken, and a suggestion made, which, if true, was a reflection, not on the House, but on the gentleman whose eulogy the Speaker some days ago pronounced. The origin of this act had been

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imputed to the *teasing* of certain foreign agents near the United States. That the Message of President Madison, recommending that act, was in consequence of the representations of foreign Ministers, Mr. F. said he was ready to admit—not of reiterated importunities, but of a performance of their duty to their Governments by remonstrating against violations, by citizens of the United States, of obligations which we owe not to any one nation, but equally to all. A remonstrance had been made by the Portuguese Minister, a garbled representation of which had been published; a similar statement of facts had been made by the Minister of Great Britain, another by the Minister of France. All the foreign Ministers here had, in short, represented that citizens of the United States, engaged in cruises in patriot vessels, as they were called, fitted from our ports, committed depredations on the commerce of England, France, and Spain. What, Mr. F. asked, had been the duty of the President of the United States if these facts were true? Were not the United States bound to make reparation, if, without an effort to prevent it, we suffered depredations to be made, by our citizens and from our ports, on the commerce of nations in amity with us? The Government, he said, had heretofore recognised this principle, and had remunerated foreign citizens for property taken from them by citizens of the United States. The President, then, had barely performed an imperative duty in representing to Congress the insufficiency of the laws, &c.

But, Mr. F. said, he would never do the late President the injustice to state his views, when he had it in his power to quote his own language conveying them. [Mr. F. then referred to the President's Message, of last session, on which the neutrality act of March 3d, 1817, was founded.] He appealed to every other member of the House whether, in this recommendation, there was anything censurable; anything that the most fastidious could mark for reprobation. The act of 1817 was precisely correspondent with the Message, and, almost in so many words, an answer to it. It corrected the defects of the existing laws, and enabled the President of the United States, where there was strong ground to presume that a cruiser was about to violate the neutral relations of the United States, to arrest his departure until he should give bond not to violate the laws of his country. But this, the House had been told, was a most extraordinary provision, and unprecedented in the annals of civilized legislation. It was not necessary, Mr. F. said, for him to tell the House that, whenever a citizen of the United States or of any State is accused, on public ground, of intending to commit an offence against the authority of the laws, it is the duty of a magistrate to require him not only to give security not to commit a particular act, but to bind him over, in ample security, that he will not violate any of the laws. But it was objected, particularly, that it was required of a citizen to give bond to refrain, when beyond the jurisdiction of the United States, from certain acts. And was

it not right to do so, when the United States were responsible for his conduct when beyond their jurisdiction? That was a question which had long been settled. And was there any hardship, Mr. F. asked, in requiring bond from a citizen that he will refrain on the high seas from acts affecting the character of the country, and involving it in disputes with foreign Powers? And yet there was nothing else in that act which even in the eyes of the honorable Speaker was reprehensible. But this provision had been said to be unprecedented. Why, Mr. F. said, our statute book is full of similar provisions. Every restrictive law of the United States; every law forbidding commercial intercourse, or regulating it with foreign nations, contains similar provisions. The laws prohibiting the slave trade contain similar provisions. If a person swear that he suspects another of intention to violate the laws against the slave trade, the person so suspected is required by the collector to give bond and security that he will not violate the law in this respect. And where, Mr. F. asked, was the impropriety of this provision? But there was a still stronger case: That of the act prohibiting intercourse with St. Domingo was perfectly parallel to the present; for, although the color of those who were there fighting for their liberty might make a difference in the policy of the Government, it could make none in the principles on which that policy was founded. It was well known, that, at the date of that act, a contest existed between the European colonists and the colored population of St. Domingo; the latter claiming a recognition of their liberty, the former claiming to reduce them to obedience. Did the United States permit the vessels of that Government, or pretended Government, to come here for military supplies? Did it permit the agent from St. Domingo to reside here, to grant commissions to privateers, to make representations to the Government, officially or unofficially, and to make appeals from the acts of the Executive to the Congress or the people? No, Mr. F. said, the Government of France asked from the justice of this country, to pass laws prohibiting any commercial intercourse with the citizens of St. Domingo, and an act was passed, for two years, and afterwards continued in force for two years longer, one of the provisions of which was similar to that one of the act of '17, which was so much reprobated by the Speaker.

Mr. F. concluded by remarking, that he thought he had said enough to satisfy the Committee that there was nothing in the origin of the act of 1817, or in any of its provisions, which required its repeal; but that it ought to remain on the statute book, amended as now proposed in the bill before the House.

Mr. ROBERTSON, of Louisiana, said he had voted against the act of 1817, and was now in favor of its repeal. Before coming to that question, however, he would remark that, when our situation was more critical, and when, in point of resources, we were infinitely weaker; when, in 1794, our citizens were engaged in behalf of the republicans of France, with a zeal infinitely more dan-

gerous to the peace of the country than anything that has been exhibited in regard to the patriots of South America, the act of 1794 had been deemed sufficient to secure the observance of our neutral relations. Was our situation, he asked, more critical in 1817 than in 1794? If not, ought we to have been induced to take stronger measures by far than had been applied to the emergency of 1794? The administration of WASHINGTON not only deemed the act of that day sufficient, but cautiously limited its duration to two years. It had been subsequently renewed two or three times, and Congress had always been satisfied with its provisions. In 1817, however, a state of things somewhat similar occurs, but infinitely less critical, in consequence of another effort, by another people, to throw off the yoke of a despotic government. As the struggle of the people of France for liberty gave rise to the act of 1794, so that of the people of South America gave rise to the act of 1817, which was passed by Congress without the knowledge of any exterior pressure on the Government, or of the letter which had been mentioned, and other representations. It now appeared, that the act of 1817 was passed in consequence of representations of foreign nations, growing out of hostile feelings to the cause in which the people of South America were engaged. This, said Mr. R. might be a sufficient ground for the Ministers of Portugal, of England, and of France, to proceed upon—but shall we sympathize in their feelings on the subject, and be induced by them to pass acts to shackle our citizens, when it is so easy to trace their remonstrances to a general hostility to the cause of any people who are engaged in a struggle to ameliorate their condition by changing their form of government? It did not appear now he said, that that act had been passed so much with a view to do what was just to ourselves, as to accommodate the views of foreign nations. That, Mr. R. said, had been his objection to the act when it passed; and the more its causes and effects were developed, the more anxious he was to get rid of it, and to return to the statutory provisions of 1794, which, for a number of years, had been found sufficient.

The cases stated by the Chairman of the Committee of Foreign Relations, (Mr. FORTYTH,) as having induced the passage of the act of last session were already provided for by the act of 1794; he referred to cases of fitting out vessels in our harbors, and with them cruising against the commerce of foreign nations, prohibited in that act, under very heavy penalties. But the act of 1817 went a step further, and authorized the collector to stop any vessel manifestly built for warlike purposes, if it has a cargo on board which shows it to have been intended for such purposes, or having a crew, or for any other cause, justifying that suspicion. Mr. R. wished to know by what authority the Government undertook to say, that a vessel built for warlike purposes should not leave the ports and harbors of the United States. What breach of neutrality is it to suffer such vessels to depart our ports; and why are we required, in this

manner, to cripple the operations of the shipholders and shipbuilders? Mr. R. strongly objected to the latitude of discretion given to collectors by the term "or for any other cause," which subjected the vessels of our citizens to vexatious detentions. This, he said, was one difference between the act of 1794 and that of 1817; but there was yet another. By the act of 1817, not only armed vessels, but vessels manifestly built for war, though built for sale only, were forbidden to go from our ports without giving bond that they were not to be employed in aiding or assisting any military expedition, &c., and so obviously unjust was this provision, that the gentleman himself had found it necessary to propose an amendment to narrow its scope. Mr. R. concluded by repeating, that he could see nothing in our situation which required a stronger act than was deemed sufficient in 1794, and he, therefore, hoped the acts of 1797 and 1817 would be repealed.

Mr. LOWNDES commenced his remarks by re-deeming the act of 1817 from the charge which had been alleged against it, as far as his opinion went, by declaring that act not to have been adopted in consequence of any foreign remonstrance, but to have been the deliberate expression of the judgment of this and of the other House; and, though he had listened with the greatest attention to the arguments of the gentlemen from Kentucky and Louisiana, they had failed to convince him that that deliberate expression of the opinion of Congress at the last session ought now to be reversed. But, he said, there was less difference on principle than he had expected to have found between those gentlemen and those who approved the act of the last session. The Speaker particularly had conceded that the acts were unlawful which that law was designed to prevent; and the only difference between us, said Mr. L., is that for the prevention of these unlawful acts we propose a remedy, which they will not accept. On the question of the criminality of enlistment in a war between two Powers with whom we are in amity, we perfectly agree. The opinion of the House and of the country, Mr. L. said, must be that, so long as we profess neutrality, we ought to observe it; that our neutral obligations should be fairly and honestly fulfilled. And it was because he thought it the duty of Congress to prevent our citizens, by requiring bond and security to that effect, from engaging in the existing war, that he was willing to continue the act which the Speaker proposed to repeal. He could not think, he said, that there was anything new in the act of 1817; not merely because similar provisions might be found in our own municipal regulations, but because analogous provisions existed in the laws of other nations. Mr. L. asked of the honorable Speaker, seeing that in time of war we require bond from privateers, before commissioned, that they will not violate the laws of nations, why in time of peace he would not require bonds from those suspected of the intention to violate them. Mr. L. considered

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it an imperfect view of the subject to suppose that the bond thus required was only to prevent injury being done to any one Power. Those who leave our shores to assail the property of one Power, may, when they get to sea, employ their arms against any and every nation. It was perfectly fair, certainly, that those who left our shores, with the means of mischief on board, should give that security against their involving the interests, and perhaps the peace of their country, which bonds, such as are required by the law of 1817, are calculated to afford. The gentleman from Louisiana appeared to think that there could scarcely be anything in the *cargo* of the vessel which ought to be taken as an indication of a warlike purpose. Now, Mr. L. said, though he did not think this clause material—not, however, that he would repeal a law because every syllable it contained was absolutely necessary—yet he thought that from the *cargo* the object of an expedition fitted from our ports might be readily inferred. Might there not, he said, be that preparation of fixed ammunition, &c., which would afford a strong presumption that the vessel was not intended for traffic, but prepared for war? He thought this might occur, where other proof would fail. Mr. L. took other views of this question. He said he could not regard this question as one of a mere fulfilment of our duties to the countries at war, as the vessels equipped in our ports might be employed against other countries with whom we are at peace, as well as against those belligerents. One consideration for such an act he would suggest, which it was too late for us to deny, that we are responsible for injuries done by vessels of the United States, after they leave our ports, before they arrive at a foreign port. For such depredations we are responsible, and have recognised the principle by paying claims founded on it. We have bound ourselves to respect the principle in a manner equally obligatory, by preferring claims founded on it against other nations. Having done so, every consideration of prudence, of respect for the character of our country, requires that we should exact the security which is demanded by the act of 1817. As regards those who desire to trade in vessels of war, it is necessary to provide, as has been provided, that it shall be carried on in a way beneficial to them, but compatible with the higher interests of the country. No duty, said Mr. L., is by the act of 1817 exacted from any individual which the Speaker does not think, as well as myself, ought to be performed; a bond only is exacted, in certain suspicious cases, that that duty shall be performed. Where the hardship, then; where the commercial inconvenience of being required to give bond that, while on the high seas, the suspected vessel shall not violate the laws of the country? The act of 1817 created no new duty, established no new prohibition; it only secured the execution of existing duties in a particular, for the failure to observe which the Treasury of the United States, and not the offending individuals, would ultimately be responsible. Mr. L.

would not say that the act merited none of the reprobation bestowed on it; but he would say that it had not been *proved* to contain any injurious or oppressive provisions.

Mr. CLAY said it was always with very painful regret that he found himself differing from the gentleman who had just taken his seat, and with the Chairman of the Committee of Foreign Relations; and, when differing from them, he almost distrusted his own perceptions. But this was not the first time he had that misfortune; for his honorable friend (Mr. LOWNDES) had been at the last session a powerful auxiliary in carrying through the bill which then passed, and was now proposed to be repealed. Notwithstanding his great regret at the circumstance, however, he must obey the dictates of his own judgment. Mr. C. said, he never had intimated that the act of 1817 did not originate in the judgment of this House, or that it was passed at the instance of any foreign Ministers; and yet, if he understood the gentleman from Georgia, he had admitted that the committee had had the benefit of the suggestions of several foreign Ministers. It was immaterial to him, Mr. C. said, whether the act sprang from any suggestion of foreign agents, or whether, after it was recommended, the letters of the Ministers were sent to the Committee of Foreign Relations. As to the foreign Ministers, Mr. C. said, in referring to them, he meant nothing disrespectful towards them—he would not treat with disrespect even the Minister of Ferdinand, whose cause this bill was intended to benefit; he, said Mr. C., is a faithful Minister; if, not satisfied with making representations to the foreign department, he also attends the proceedings of the Supreme Court, to watch its decisions, he affords but so many proofs of the fidelity for which the representatives of Spain have always been distinguished. And how mortifying is it, sir, to hear of the honorary rewards and titles, and so forth, granted for these services; for, if I am not mistaken, our act of 1817 produced the bestowal of some honor on this faithful representative of His Majesty—and, if this bill passes which is now before us, I have no doubt he will receive some new honor for his further success. No, Mr. C. said, he would never treat foreign Ministers to our Government with disrespect. But yet he was not entirely satisfied with the suggestions respecting the representations, garbled and ungarbled, of the foreign Ministers. In regard to the letter of the Minister of Portugal—a man whom Mr. C. said he highly venerated; whom he regarded as an honor to his country and an ornament to science—a man whose country could not have shown a greater respect for the United States than by deputing him as its representative to this Government—with regard to that letter, as the gentleman had charged the publication which had been made of it to be a garbled one, and it seemed by his confession (his precious confession, he would call it, but not in the obnoxious sense of the term) that he either had the document in his possession or had seen it, he hoped that he would lay it before the House

in extenso, that they might see it in its ungarbled state, &c. But, having been contradicted in the statement he had made when up before, respecting the passage of the act of 1817, Mr. C. begged of the honorable gentleman, before he disputed any statement of his (Mr. C.'s) to take the trouble to examine whether he was himself correct. If the gentleman would turn to the Journal, he would find that, on the question to engross the bill, there were sixty-three in the negative. [Mr. FORSYTH explained; the bill thus ordered to be engrossed was not that which finally passed, which came from the Senate.] If, Mr. CLAY continued, the gentleman would look over the list of names recorded in the negative, he would find the name of one of the present Cabinet, the Secretary of War. The yeas and nays had also been taken on the proposition to postpone the bill indefinitely when it came back from the Senate; and, although owing to the period of the session, a smaller number voted on the bill, there were yet thirty-seven votes for postponement, to some sixty odd against it.

But, said Mr. C. it seems, that in the remarks which I have submitted, I have made some reflections on the late President of the United States. No such thing. But was there not, he asked, a considerable alteration, since the act of 1817, in our posture in respect to the war between Spain and the Provinces. The Executive had since declared to the whole world that the condition of the United States is one of neutrality in regard to the contest. Not that only, but that the war carrying on is a civil war, and that we owe to both parties all the obligations of neutrality—the obligations due to a party in a civil war being very different from those due to a people in rebellion, and demanding therefore a different state of our laws. But, returning to the late President of the United States—no man, Mr. C. said, had a more high sense of the exalted character and distinguished services of the gentleman to whom he thus alluded; but, whilst, said he, I am a Representative of the nation, I shall speak freely my sentiments, let them be in opposition to whom they may, whether the existing or any former Chief Magistrate of the United States. Mr. C. then called upon gentlemen to show that the act of 1794 was inapplicable to the existing conflict under the circumstances of the change of attitude, to which he had referred. The gentleman had contended it was not, because of a decision in the case of St. Domingo. That, Mr. C. said, was a case standing on insular ground, and totally different from the present. We admit the flag of the patriots: that President Madison did—we declare the contest to be a civil war: that President Monroe did—and commissioners have been sent there, if not with credentials, to hear and make representations. The Judiciary then would say, that the act of 1794 does include the case, and the act of 1817 would be superfluous and unnecessary, but for the further provisions contained in that act. Gentlemen had contended, that these further provisions were necessary, because it was proper to require bond and security from vessels

departing from our ports, that they will not violate our neutral obligations without the territory of the United States. This proposition, Mr. C. could not reconcile with the admission he understood gentlemen to make, that acts committed out of our jurisdiction are acts of which foreign Powers must take care for themselves.

The bonds required by the restrictive systems, which had been referred to, were not analogous to the present case; they stood on peculiar ground, the measures they were necessary to enforce having been required by our own policy, in defence of our own rights and interests, and were not an act of legislation for the benefit of a foreign Power, for whom we are under no obligation to legislate. The difference in the two cases was precisely the difference between legislating for ourselves and legislating for others. But it had been said that bonds are required even from privateers in war. That is because they have commissions, said Mr. C., and, acting under our authority, constitute a particular part of the force of the community, and the bond is required for our own sakes. Whilst on this subject, he said, he could not see the cause for all this anxiety on the part of gentlemen, lest the patriots should get hold of a vessel prepared for war. Were they not aware that the whole marine of the island of Cuba consists of vessels purchased from this country? Ships are an object of commerce, condemned by no authority. It was particularly fitting, under present circumstances, that we should give every facility to the sale of our ships. Do we not know, said he, that owing to the condition of the world, our merchant vessels are cut out of employment, and that, unless we can sell them, they will rot at our wharves? Mr. C. laid it down as a principle, incontrovertible, that a ship, armed or not armed, was an object of commerce. Gentlemen would not deny, that the materials of armament might be separately sold, and afterwards combined. But the honorable gentleman from South Carolina had made one admission, which gives up the question, when he conceded that an armed ship might be fitted out—completely equipped—go to a foreign port, and afterwards go to war with any belligerent whatever, without a violation of our neutrality. And yet such a course, admitted by the gentleman to be lawful, was expressly forbidden by the act of 1817.

[Mr. LOWNDES briefly explained, not admitting the principle Mr. C. considered him as ceding, in the latitude given to it by the Speaker.]

Mr. C. said, he had conceived the principle to be fairly inferred from the course of the gentleman's argument; and he did not yet understand him as denying, that, after a vessel gets into a foreign port, and departs thence, our responsibility for its conduct ceases. And the gentleman had the other day admitted, in debate on another subject, the right of expatriation. Suppose, then, that any number of citizens of the United States should fit out an armed vessel to go to any port in Spanish America, and there expatriate themselves by becoming citizens of another country,

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might they not then engage in war under the flag of that country? Gentlemen would not deny it, and yet they would be forbidden to do so by the act of 1817.

Mr. C. stated further objections to this act. For example, the collector of a port might detain any vessel, when the number of men, the nature of the cargo, or any other circumstance, induce him to suppose the vessel is intended for cruising, with a belligerent purpose. Mr. C. said he was opposed to vesting such discretionary power in any collector. The voyage may be intended to Lima, to China, or any distant port, and the voyage may be totally defeated, and heavy loss incurred, by a mere caprice of the collector. Mr. C. wished his honorable friend (Mr. JOHNSON) to read a letter he had received from St. Bartholomews, stating that three vessels had arrived there from British ports, not only with skeletons of regiments, but with nearly all the men, on their way to join the patriots. Had these men, Mr. C. asked, been subjected to any bond and security—to any such onerous provisions as are contained in this bill? No, said he; we alone, it seems, are to stretch our power to its limit to prevent our citizens from aiding in any manner the efforts of those who are struggling for liberty in the South; whilst Great Britain, in this respect, pursues a policy which we might worthily imitate. While at peace, he admitted, we ought to perform our obligations of neutrality; but they did not require the passage of bills with neutral titles, but with provisions favorable to one only of the belligerents. What, on the other hand, had Great Britain done? She had issued a proclamation which almost recognises the independence of the provinces, calling the contest a war between America and Spain, and forbidding her citizens to engage in it, but requiring no bond and security from them. No, said Mr. C., she has gone a step further than she has ever before gone: her citizens, who constitute a part of the armies of Spain, she has forbidden from fighting against the patriots. I wish we might imitate her example, and observe a real neutrality, instead of that which exists in name only, to the prejudice of one party and not of the other.

In reference to the suggestions made by Mr. LOWNDES respecting spoliations, Mr. C. asked, what success have we had in our applications for indemnity for spoliations? We are told, very good-naturedly, indeed, by the Secretary of State, in a late communication—I am sorry we have not the benefit of that letter—though, when we get it, I presume we shall find it a compilation of other works on the same subject—the Secretary of State tells us, very good-naturedly, that we have patiently waited for the settlement of our differences with Spain, and it will require no very great effort to wait a little longer. Very good-natured, indeed! No change, say gentlemen, in the aspect of our relations with Spain? Yes, a most humiliating one, within the last three or four years. We were told by the President, in his message at the commencement of the session; and, ambiguous as the intimation was, hope clung

to it as promising a change; that a disposition had been shown on the part of Spain, to *move* in the negotiation. And what sort of a motion was it? A motion which has terminated in something like a perpetual repose, waiting till the passions and prejudices of His Majesty of Spain may have time to subside. Admirable, Job-like patience, said Mr. CLAY. I thank my God, that I do not possess it.

Let us, said Mr. C., in conclusion, put all these statutes out of our way, except that of 1794. When was that passed? At a moment when the enthusiasm of liberty ran through the country with electric rapidity; when the whole country, *en masse*, was ready to lend a hand and aid the French nation in their struggle, General WASHINGTON, revered name! the Father of his Country, could hardly arrest this inclination. Yet, under such circumstances, the act of 1794 was found abundantly sufficient. There was, then, no gratuitous assumption of neutral debts. For twenty years that act has been found sufficient. But some keen-sighted, sagacious foreign Minister finds out that it is not sufficient, and the act of 1817 is passed. That act, said Mr. C., we find condemned by the universal sentiment of the country; and I hope it will receive further condemnation by the vote of the House this day.

Mr. LOWNDES rose to vindicate himself from the charge of inconsistency alleged against him by the Speaker; but which, he said, could not be properly established by taking a sentence or half a sentence from a speech, and founding an argument on it. The Speaker infers, said he, because I will not take measures to punish him who, without the jurisdiction of the United States, enters into a vessel armed by a foreign authority, and cruises on the property of foreign nations, that I must therefore be willing that a citizen of the United States, within the limits of the United States, in a vessel belonging to the United States, shall involve the Government in a responsibility for her acts, with equal impunity. Mr. L. submitted to the Committee, whether there was any resemblance between the two propositions.

Mr. FORSYTH explained the difference as to facts between him and the Speaker. If what the Speaker had advanced, respecting the vote on the act of 1817, had been intended as argument, Mr. F. said, he had endeavored to show that there was no weight in it, by showing that the vote to which the Speaker had referred was not on the bill which actually passed, but on a bill reported by the Committee on Foreign Relations which did not pass. The member of the Cabinet, who had been referred to, voted against the last-mentioned bill, but in favor of that which passed into a law, and there was a very small minority against it. With respect to the influence which produced the passage of the act of 1817, if there was any felt, it was by the President, and to him must be imputed the blame; for to him the remonstrances of the foreign Ministers had been addressed, and he had brought the subject before Congress. With respect to the correspondence

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with the Ministers, on the call of the committee for facts of depredations by our cruisers, these papers had been shown to them. I have no recollection, said Mr. F., of every word in one of the official notes, but I am sure that the version which has been given of it is not correct. I very well recollect, although not particularly remembering the particular words or arguments, that the tone of the letter and its manner were perfectly respectful to the Government, and such as might have been expected from the character of the Minister. It was neither indecent nor disrespectful; in the letter which is published as a copy of that, there are passages both indecent and disrespectful.

In reply to the suggestion, that even if the act of 1817 was required at the time it passed, it was no longer necessary, because of a change in our posture, Mr. F. said, he knew of no such change. As far as the independence of the provinces, or of any of them, was recognised at this moment, it had been at that day. If his memory was not, in this respect, treacherous, the President of the United States announced to the Spanish Minister, through the Secretary of State, in the correspondence between them laid before this House at the middle of the last session, that such was the relation in which we regarded them. This answer had been given to an application to exclude their flags from our ports.

To show that his construction of the decision of the Supreme Court on the act of 1794, as applied to the case of *St. Domingo*, was correct, Mr. F. quoted the words of the decision from *Cranch's Reports*. In Massachusetts, the case referred to by the Speaker, was that of an indictment for piracy, from which the accused sought to shield himself by a commission from one of the Governments asserting their independence. The judges composing the court differed on points of law. One of the questions was, whether a commission emanating from any revolted colony, district, or people, whose independence was not recognised by the Executive authority of the United States, was valid. Here was a question, very different from the present one raised by the courts of the United States, and brought up for decision; it was not decided, because the counsel for the party was not present, or for some cause of that description. This point being doubtful, it was highly proper that the act of 1817 should have removed all doubt on the subject. Under the act of 1794, it was doubtful whether the commission of certain acts was an offence under our laws or not; and a long course of litigation before the courts would have been necessary before the question would have been settled. It was better to settle the question, and clear the law of all doubt. In this view, the act of 1817 was necessary, independently of all other considerations, and ought not to be repealed.

Mr. TUCKER, of Virginia, said, he would not have troubled the Committee, but that his views varied somewhat both from those of the Speaker and the Chairman of the Committee of Foreign Relations. He was averse to the repeal of the

entire act of 1817, but was in favor of the repeal of the two last sections of it; they were called the bond section and the collector's section. He stated why he was in favor of retaining the provisions of the act, except these two sections. That act had been framed with the view of extending the provisions of the act of 1794, prohibiting our citizens from taking part in a war between two independent nations, with whom we were at peace, to the case of the Spanish colonies and the mother country. The act spoke of "a foreign prince or state," and there had been in our courts a decision which seemed to indicate the necessity of using some farther designation in order to take in the case of the Spanish colonies. The first section of the act of 1817 differs from that of 1794, in little else than the addition of the words "colony, district, or people," after the words "prince or state." This amendment had been thought necessary last year. He had not been present when the bill was passed, and should perhaps have hesitated about passing any bill with views particularly to this contest. But there was a difference between passing the bill and repealing it. Spain could not complain of our leaving it undone. Her conduct had given her no peculiar claims upon us. He should, therefore, perhaps have voted against the law. But it is now a law; and to repeal at this time a provision which extends to her the provisions of the act of 1794, might perhaps justly be considered as unfriendly and hostile. And while he, therefore, viewed with as much interest as any gentleman the cause of the Spanish patriots, and viewed with as little approbation the course of the Spanish Government, he would avoid whatever might endanger the peace of the nation. He considered it our true policy to maintain peace if we can, without compromising the dignity of the nation. It is not less our interest now to avoid being entangled in South American affairs, than it was to avoid, in 1794, being implicated in European quarrels. He was, therefore, disposed to maintain, by all proper means, the neutrality of the United States; but it should be a dignified neutrality, not involving ourselves in difficulties, nor shrinking from what was due to our own character and standing among the nations of the earth. It was partly with this view that he was opposed to the last sections of the act of 1817. Spain has not entitled herself to expect this Government to go farther than they did in 1794, for the preservation of its neutrality. These sections do go farther. A gentleman now within the walls of the House, (Mr. PRESTON,) who was in Congress in 1794, tells me the attempt was made to introduce similar provisions into the act of that year. It was opposed by the most intelligent merchants, as embarrassing and oppressive, since it rendered it necessary that every East Indiaman, going armed, should be compelled to give bond before she could sail. Mr. Fitzsimmons, a distinguished merchant, was mentioned as opposing it. The proposal failed in 1794. Can Spain expect us, in her favor, to go farther than we would go then? By no means. Let

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us then leave the first section of the act of 1817 in force, and repeal the two last sections. This places Spain and the colonies on the same footing, as other nations are by the act of 1794. Mr. T. had specific objections to these clauses. The bond clause must be inconvenient to East India merchants. An intelligent East India merchant tells me that it is considered as an inconvenient provision at this day. It must be inconvenient; it holds every merchant to security, (who, from the nature of his trade, is obliged to go armed,) merely because some vessels have been illegally fitted out. It runs counter to the principles of our laws, to hold all to security lest some should break the law. The other section, he said, was more objectionable. It authorizes a seizure by the collector, upon suspicion; it puts into his hands powers that belong to the Judiciary; they are ample powers. If there be just ground of suspicion, on affidavit, a judge may issue his warrant against the offender; for, if his vessel has been fitted out, and the intent is illegal, the offence is completed before she sails. If there be not just ground of suspicion, the collector should not be permitted to seize; nor would I take the power of judging out of judicial hands, to place in the hands of the collector. Who is he? A person entitled to large emoluments in the case of condemnation of the vessel; an interested man, who, if he succeeds, requires a handsome sum, and, if he fails, applies to Congress to indemnify him, as he was acting in the line of his duty. He would repeat, that Spain had no right to expect us to introduce or to retain provisions so much at variance with correct principles, and which we did not think proper to introduce into the former laws for preserving our neutrality.

Mr. SMITH, of Maryland, was opposed to this motion, though he had made up his mind to give a silent vote on it, but for the remarks of the gentleman who had just spoken, (Mr. TUCKER.) He had the honor, he said, to be a member of the Committee of Foreign Relations at the last session, by whom the bill now called the act of 1817 was reported; and, as far as his recollection served him, if the Message of the President (which had been referred to) had not been submitted to that committee, they would have reported a bill nearly similar in its provisions to that which had passed. That letter, Mr. S. said, ought to be better understood. The Minister of the King of Portugal had received information, which afterwards proved to be correct, that Commodore Taylor had issued orders to privateers from the ports of the United States to capture the vessels of Portugal; and he apprized the Department of State that such expeditions were fitting out. The fact was, Mr. S. said, that those vessels, going from ports of the United States, did actually take such vessels, carry them into Buenos Ayres, where the Government decided that there was no authority on the part of Commodore Taylor to issue any such orders. The letter from the Portuguese Minister, Mr. S. said further, was couched in respectful terms, such as appeared proper and consistent with a correct

view of his duties as a foreign Minister. It had been intimated that the President had been induced to address a Message on this subject to Congress, by the teasing of a foreign Minister. Did gentlemen suppose the President a man of that character to yield to such importunities? No; he was, in applying to Congress for more rigid provisions, mindful of his own country alone; and no reflection could justly apply to the President for his conduct on that occasion.

His friend from Virginia, Mr. S., said, had an objection to the act of 1817, bottomed on the bonds required by that act to be given in certain cases. What were those bonds? That an armed vessel, going from the ports of the United States, should not jeopardize the peace of the country. This it appeared had been represented to the gentleman from Virginia as a great inconvenience to persons engaged in the East India trade. I am myself, said Mr. S., engaged in that trade and a number of my constituents, and the constituents of various gentlemen here; and, if there be any inconvenience to them, why have they not remonstrated to this House against it? No such remonstrance has been forwarded; and yet, sir, the merchants are very mindful of their own convenience. One remonstrance had been presented from that class at the present session, representing that the fifteen days allowed by law was too short a time for discharging the cargo of a ship, and that the per diem allowance for all beyond that time ought to be modified or discontinued. This, Mr. S. said, was a trifling inconvenience, and yet the merchants remonstrated against it. As to the inconvenience of giving bonds, Mr. S. said, he who has no wish to do an unlawful act will have no objection to give bonds, which give no other trouble than the signature of his own name and that of two sureties. In civil society, for the benefit of the whole, individuals must submit to such inconveniences, and the merchants had always cheerfully done it. Why did we so? asked Mr. S. Because it was our interest that those who are disposed to do illegal acts may be detected and arrested in their designs. We give bond, said he, for the register of our ship, and, if we sell the vessel abroad, are bound to return the register. We could sell our vessels to great advantage abroad, if we could sell the registers also; but the security of the Government requires us to give bond to return them. To such inconveniences, like those of the act of 1817, required by the general good, I have never known merchants to refuse to submit—it is not their character. With regard to the other section, which the gentleman had objected to, Mr. S. did not conceive it very important; but it was intended to prevent vessels from being prepared in our ports for a cruise in every respect, except that their armament was not on deck, but ready to be put in a situation to make war immediately on leaving our ports. Such a vessel the collectors are authorized to detain; but from so doing gained no advantage, there being no forfeiture, &c.—so that they had no motive for pressing the execution of the strict letter of the law, and the

power was not therefore subject to abuse, as had been supposed. The section, he said, had perhaps arisen from a circumstance which has cost the United States nearly two hundred thousand dollars—he referred to the case of the American Eagle, of New York, which vessel was supposed to be sold to one of the black Emperors, and had about her all the marks of such a destination; but, under the laws of the United States, was not condemned. That vessel was seized under a direct order of the Executive; but the collector had been adjudged to pay to the owner, for the seizure, \$109,000 and interest, and Congress were bound to make good the money. If the section now objected to had then existed, this would not have happened. If a man means fairly, his enterprise will be above board, and there is no fear of his being subjected to a suspicion of an intention to do an unlawful act; if he acts otherwise, he ought to be restrained by bonds from carrying his intention into effect. I am of opinion, said Mr. S., we have an undoubted right to build vessels fit for war, and send them abroad and sell them to whoever will buy them; but, when we do so, we ought to have cargoes not contraband of war on board of them. If they have an innocent cargo, they have no occasion for arms, and may go unmolested where they please. And was there anything in the act of 1817 to prohibit such a trade? No; it prohibited only the fitting out of vessels from our ports for the purpose of depredating on the commerce of nations with whom we are at peace.

What, Mr. S. asked, was the nature of our differences with Spain? Was our claim on her for territorial possessions? No, he said, we possess the territory we claim, and it is for Spain to negotiate to dispossess us. Our claim against her is for spoiliations committed on our commerce by French privateers whom she permitted to fit out from her ports, and bring in our vessels for sale. For this we justly demand indemnity. And what, he asked, had Spain replied? That we have a right to this indemnity, and she will pay it when she shall be able. Now, if a vessel, sailing out of our ports as a cruiser, obtains a commission we know not how, gives no bonds whatever, goes to sea and commences the capture of Spanish property, are we not responsible? In one case a vessel of that description sailed from our ports, and, without having visited any patriotic port, had captured an Indiaman and sent her into Buenos Ayres, where she sold for a million of dollars. That amount, Mr. S. said, he had been informed was already reclaimed from us. And, should we ask them to pay us for depredations on the property of our merchants, and refuse the same measure to them? Now, suppose that at that time bonds had been exacted, as by the provision of the act of 1817 so strongly objected to, with good and sufficient security, that vessel would not have gone out and involved the United States in heavy responsibilities by her unlawful acts.

If, as had been said, up to the last year, the act of 1794 had been deemed sufficient by successive Congresses, why had that of 1797 been

passed subsequently? And, after all the acts that could be passed, it would be found, Mr. S. said, that some loop-hole would still be left through which a man may creep. In reply to the Speaker's demand, why such sympathy with the Spanish Government, Mr. S. said, that our sympathies were for ourselves, our acts were intended to keep ourselves within the rules of conduct prescribed by national law for neutral Powers; to maintain our own dignity, and prevent our citizens from involving us in war. Of a war with the present power of Spain, he said, nobody would think much; but a rule applied to Spain might be applied, by illegal cruisers from our ports, to other Powers, with whom a conflict would not be so very convenient. The House had been told that such conduct was not cause of war: it might not perhaps create a war at this moment—but, said he, whenever the Power thus injured feels itself strong enough to make a war, you will find that it will be always found a sufficient cause. If, Mr. S. said, the United States do permit vessels to be owned and fitted out in our ports and harbors, commanded and manned by American citizens, and to sally out and depredate on the commerce of a nation at peace with us, without our taking due means to prevent it, if that nation be able, she will consider it cause of war. Suppose we should thus be brought into a war, which is not impossible, and that Spain should fit out, in the ports of England and of France, privateers which never have gone and never intend to go into Spanish ports for commissions, but should commence their depredations on our commerce the moment they leave the ports where they were fitted out; suppose that we remonstrate with these Powers, and tell them that the practice is inconvenient and injurious to us, and they give to us the answer which has been given on this floor—I want to know, if, with the powers the Speaker can bring into action on such subjects, he would not rouse the feelings of every man in this House to resent the injury, considering it as cause of war. What! he would say, shall we stand by and see our commerce plundered, and our merchants robbed at our very doors by people not at war with us? We ought, therefore, Mr. S. said, by every provision that was necessary, to prevent our citizens from embarking in these expeditions. If the patriots ever have a commerce on the high seas, said he, on which depredation can be committed, we shall find our citizens fighting against one another; commissions will be taken from the Spanish monarch in the same manner as they now are from the patriots; and, money being the only object of those who engage in these expeditions, our citizens will be found in arms against each other, as either service may afford them the prospect of gain, &c.

Mr. CLAY again rose. He directed his first observations to what had fallen from Mr. TUCKER. If the decision of the judicial authorities had been, that the case of the patriots did not come within the act of 1794, there would be much force in his argument for retaining the least

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objectionable part of the act of 1817. If such a decision had been made by the Supreme Court, Mr. C. said, he did not know but he would go along with the gentleman; but such a decision had not been made, and, he thought he had shown, could not be expected.

The gentleman from Maryland, Mr. C. said, or himself, was totally mistaken as to the case of the *Eagle*. The Power of St. Domingo was not then considered as a State—[Mr. SMITH explained that he had not referred to that case with any view to that point.] Mr. C. said he had it from unquestionable authority, that in the case of Mr. Collector Gelston and the *Eagle*, the court had refused to grant the necessary evidence of the fact, "that there was probable cause" for the detention of the vessel; and that officer was consequently left to the operation of the law on a naked trespass. But, Mr. C. repeated, again and again, that the gentleman from Georgia would fail in the attempt to confound the virtuous struggle of the Patriots of South America with that of the contest of St. Domingo. There was a difference in the facts, as there was in our laws and policy respecting them. There was, in the case of St. Domingo, an absolute prohibition of intercourse, which took place, he admitted, at the instance of the French Minister; and we had not recognised the war as a civil war, &c., or in any manner so regarded it, as that a case arising under it in our courts could be viewed in the same light as a case occurring in the existing conflict in South America. In reply to the gentleman from Virginia, who seemed to think that that Power could not be considered as independent, whose independence had not been recognised by the United States, Mr. C. said that was not a clear case; because there were many Powers in the world, with regard to which we have no diplomatic relations whatever. Mr. C. anticipated the suggestion he perceived his friend was about to make, that, the South American provinces having been once a part of Spain, there was in that circumstance an exception to the general rule. In reply to that argument, Mr. C. said, that whilst the power of Napoleon was at its extent, it had stretched over and absorbed in his empire many Powers to which the act of 1794 would have previously applied—Powers in the heart of Germany; several Powers there were from whom we had never received a Minister—among others, that of Murat, to whose late Government we have recently sent a Minister on one of those fruitless errands on which we too often send Ministers, &c.—[Mr. C. here gave way for an explanation by Mr. TUCKER, and then proceeded.] With regard to the case which had lately arisen in the Circuit Court of the United States at Boston, Mr. C. remarked, that he had heard from Judge Story himself, that he had entertained no doubt of the legality of the commission; but, as other questions had arisen in regard to which there was a difference of opinion between the judges, they had chosen to introduce that question into the case, to bring it before the Supreme Court. After some further remarks,

Mr. C. said it would be time enough to amend the act of 1794 after a decision against its competency to the present state of things by the Supreme Court of the country, to whom the Agent of His Majesty Ferdinand VII. knows very well how to go. The President had placed the parties to the war on an equal footing: if they were equal for one object, they were for another—and, being equal in our ports, and equally entitled to the rights of belligerents, they must be placed on an equal footing in our courts.

The honorable gentleman from Maryland had discovered, however, that we have no claim for territory against Spain. [Mr. SMITH explained, that he had said we have possession of all we claim, and it is Spain who disputes that point with us.] When, Mr. C. asked, did we take possession to the Rio del Norte? he believed there was an immense tract of country extending westwardly to that river which we were not in possession of. Although Congress had been told of an order given to suppress the establishment at Galveston, to this day not even a movement had been made by the United States to that quarter of the country. But, it seems, said Mr. C., that we have nothing but spoliations to complain of on the part of Spain. When did the honorable gentleman discover this? When was that gross insult on the American flag, committed in the case of the *Firebrand*, on the Gulf of Mexico, repaired? When was the insult on the flag of the United States in the case of the frigate *Essex* in the Gulf of Valparaiso atoned for? Let not the gentleman escape from that by saying that the patriot flag was flying there; for Spain is responsible for all acts committed on territory she claims—for, Mr. C. said, he had no idea of this modern doctrine of inability on the part of Spain to prevent the wrongs which we are therefore to submit to from her territory. We have suffered enough, God knows, Mr. C. said, from all the Powers of Europe; but on the subject of this contest with Spain, he thought there was a sensitive delicacy displayed not often felt. He would, he said, prevent our citizens from committing depredations on her commerce; but he had no idea of succumbing to every little potentate in Europe, the King of Naples, for instance, because in the course of the existing war some little injury might be done to our commerce. Recognise the independence of the patriots, said Mr. C., and they will do you justice in this respect. In regard to the independence of the Southern Republics, Mr. C. said, that Buenos Ayres had not only declared but had maintained her independence; and, acknowledged or not, was as independent as any Power in America. Venezuela and Chili had also declared their independence. Although in the war now raging, some little injury might have been sustained by our commerce, yet, as far as his information extended, less injury had been done to it in the present war than in almost any other which as neutrals we have witnessed. He appealed to his honorable friend from Louisiana—and it would be recollected that New Orleans was one of the most suspected

cities—what had been the official report of the attorney for that district? Why, that, after the most careful inquiry, he could find no instance of such offences as were charged. The fact was, Mr. C. said, he believed, with regard to these depredations, that some of the merchants engaged in the Lima trade, under the favor of the Spanish Government, disliked the interference of the patriots; and that the act of 1817 was not so much necessary to protect our commerce as the enterprises of those who enjoyed a valuable trade with the Royal authorities, and were afraid lest the patriot flag might capture and condemn their vessels.

Mr. C. concluded his remarks by saying that the act of 1794 was all sufficient for every necessary purpose, connected with our neutral attitude; but, after any decision to the contrary by the highest tribunal of the country, he would go along with gentlemen and make it applicable. But with regard to the bond and security required by the law of 1817, at the discretion of every petty collector, urged on by the Spanish agents throughout the country, he hoped to see the law containing that provision expunged from the statute book.

Mr. SMITH, of Maryland, replied to Mr. CLAY. There was no nation on earth, he said, whose interests required from it a fair and honorable conduct as a neutral, so much as this. Britain alone had a more extensive commerce than us; but with it had a larger marine, and was not so much bound to delicacy in its neutral deportment. We should from this consideration be careful how we relax our measures calculated to enforce it. As to the case of the *Eagle*, Mr. S. said the Speaker was right as to facts. But, if the law of 1817 had existed, the collector would have kept clear of that difficulty. As to the distinction taken between St. Domingo and the Spanish provinces, Mr. S. said that the flag of the former is admitted into our ports, in the same manner as the flag of any other country. With respect to our controversy with Spain, Mr. S. went on to say, he had not expected from the Speaker the remarks he had made. I know very well, said he, that we claim to the Rio del Norte. We have always avowed and held that claim; and, if we have not actual possession farther than the Sabine, it is because we are not ready to go beyond it. We hold the right, and occupy the soil as far as we find it agreeable to do so. Consequently our claims on Spain are for spoiliations only. As to the case of the *Firebrand*, if proper explanations had not been made on that transaction, there was no doubt the President would have resented it as he ought, and that the nation would have known of it. As to the scene which occurred at Valparaiso, though the patriot flag was flying there, it appeared that Spain must be considered responsible for that. Had the Executive ever complained to Spain of that act? If it had, he had never heard of it—and he presumed it would not have been overlooked if it could be properly charged to her account. With regard to the plea of inability, to prevent violations of our rights from

her territory, the Executive had acted on the ground taken by the Speaker, in taking possession of Amelia Island. That position having become a resort for smugglers and buccaneers, it was incumbent on the Executive to put them aside, and he had done it. He was glad that, on this point at least, the honorable Speaker agreed with him. [Not at all, not at all, said Mr. CLAY.]

As to the occurrences of the war, Mr. S. said we had some reasons to complain of the manner in which it had been carried on, on the part of the patriots. One of the causes of the war we lately waged with Great Britain, was the system of paper blockades. By the laws of the United States, and the proclamation of Spain, permitting the trade to all neutrals, a trade was open to us from the Rio del Norte to Mexico—and had been very beneficially carried on for a number of years. But Admiral Brion, a patriot commander, had undertaken, by a paper blockade, to forbid trade to a coast two thousand miles in extent, and our vessels daring to trade there were thus subjected to capture—the consequence of which was, that nobody attempted it; the trade is given up.

Something had fallen from the Speaker, in the course of his remarks, which might produce an impression, doubtless not intended by him, that there was something in the act of 1817 which forbade the exportation of munitions of war. Nothing of the kind, said Mr. S.: on the contrary, our vessels constantly load and go to Buenos Ayres, to Chili, to Oronoke, &c., and there is no obstruction whatever in their way on our statute book. We know that contraband of war, bound to one belligerent, is liable to capture by another, and we run the risk; but our laws never have forbidden that trade. While ever a trade is open, the merchants of the United States will pursue it, whether it be to ports of Spain or of the patriots; if the merchants think it a fair trade, they will pursue it. And yet the Speaker is offended because we pursue a little trade to the Spanish colonies. If the ideas of the Speaker are to prevail, said Mr. S., that, because our affections are with the opposite party, we shall not trade with Spain, what would now be the price of flour? Instead of ten dollars per barrel, it would be some five or six. The port of Havana alone, Mr. S. said, took one-sixth of the whole of the flour shipped from the United States for foreign consumption. Previous to the French Revolution, it had been circuitously supplied by the produce of this country; but from fifteen to twenty years that port, one of the most important in the world, had been open to us. And, Mr. S. asked, was it a crime to trade there? It is no crime to trade wherever the laws of the country permit; it is not only no crime, but it is honorable and useful to the country to open a new trade to any quarter; and he trusted it would not be long before we should have another trade open equally beneficial as any we have heretofore possessed, &c. Mr. S. concluded by some general remarks on the state of trade, which he thought as good as we had any reason to expect after the general peace in Europe.

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A division of the question having been called on Mr. CLAY's motion, the question was taken on so much of it as proposes, in effect, to repeal the act of 1797, and decided in the negative. For the amendment 67, against it 79.

Mr. CLAY then withdrew the remainder of his proposed amendment, under the impression that this vote indicated the opinion that the act of 1794 did not apply to the existing war; and moved an amendment, the effect of which was to repeal the act of 1797, and the second and third sections of the act of 1817.

After some remarks between Mr. FORSYTH and Mr. CLAY, against and for the motion—

The question was taken thereon, and decided in the negative. For the amendment 63, against it 65.

Mr. CLAY, then, understanding these votes as evidence of the sense of the House that, until the Southern independent governments were recognised by the United States, they could not be by our courts, and therefore that commissions issued by those governments would be deemed unlawful, rose to move an amendment, going to place the Patriot governments, in fact, on the footing of equality, on which it was the declared wish of the Executive to place them. At present the Executive receives their flags; but if, when they come into the United States, those sailing under them were liable to be prosecuted as pirates, this injustice should be obviated. Such was the object, he said, of the amendment which he moved to add to the bill as a new section, to this effect:

"That neither the persons nor the property of persons sailing under the flag of any colony, district, or people, in amity with the United States, should be subject to the penalties attached to piracy in the courts of the United States, for or on account of the Government of the United States having omitted to acknowledge the sovereignty and independence of such colony, district, or people."

It being late in the day, the Committee then rose and the House adjourned.

THURSDAY, March 19.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the relief of Frederick Brown; which was read twice, and committed.

Mr. JOHNSON, from the same committee, reported, without amendment, the bill from the Senate, extending the time for obtaining military land warrants, and for other purposes; which bill was ordered to a third reading to-day, and read a third time accordingly, and passed.

Mr. TAYLOR submitted a joint resolution, authorizing the transportation by mail, free of postage, by the members of Congress, of the documents lately communicated by the President, respecting our relations with Spain.

The resolution was twice read, ordered to be engrossed for a third reading to-day, and subsequently read a third time, and passed.

On motion of Mr. SPENCER, the Secretary of State was directed to inform this House, whether

a distribution has been made of the journals and documents published under the order of the Senate and House of Representatives, respectively, pursuant to the joint resolution of the 27th of December, 1813, and what further provision is necessary to insure the transmission of the said journals and documents, according to the said resolution.

Mr. SPENCER submitted the following resolution, which was read, and ordered to lie on the table:

Resolved, That, unless otherwise specially directed by the House, six hundred copies shall be struck off all such matters as may be directed to be printed, except bills and amendments.

That the said six hundred copies shall be disposed of, and distributed in the following manner, to wit:

Two hundred copies shall be retained in the printing office, and at the close of each session be disposed of and distributed, conformably with the provisions of the resolution of the 27th of Dec., 1813 - 200

The remaining four hundred copies shall be deposited by the printer in the post-office of the House, from time to time, as the work may be executed, pursuant to his contract, and shall be promptly distributed by the Doorkeeper of the House, as follows, to wit:

| | |
|---|-----|
| On the desk of each member and delegate, one copy | 187 |
| On the Speaker's table | 2 |
| On the Clerk's table | 2 |
| In the Clerk's office | 4 |
| To the President of the Senate, for the use of the Senate | 50 |
| To the President of the United States | 5 |
| To the Secretary of State | 25 |
| To the Secretary of the Treasury | 6 |
| To the Secretary of War | 5 |
| To the Secretary of the Navy | 5 |
| To the Attorney General | 5 |
| To the Commissioners of the Navy Board | 5 |
| To the Auditors of the Treasury, five copies each | 25 |
| To the Comptroller of the Treasury | 5 |
| To the Register of the Treasury | 5 |
| To the Postmaster General | 5 |
| To the Commissioner of the General Land Office | 5 |
| To the Commissioner of the Revenue | 5 |
| To the Commissioner of Claims for property lost, &c. | 2 |
| To the Commissioner of the Public Buildings | 1 |
| To such foreign Ministers as reside at the Seat of Government, or Consuls, in case of no resident Ministers, two each, supposed to amount to nine | 18 |
| To the public printer | 1 |
| To the Librarian | 2 |
| The residue to be bound up, at the end of the session, to be deposited in the Clerk's office, as heretofore | 25 |
| | 600 |

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit:

1. An act to adjust the claims to lots in the town of Vincennes, and for the sale of the land

appropriated as a common for the use of the inhabitants of the said town.

2. An act for the relief of John Small.

3. An act respecting the surveying and sale of the public lands in the Alabama Territory.

4. An act to defray the expenses of the militia, when marching to places of rendezvous.

5. An act for the relief of Ashael Clark.

6. An act to authorize the Secretary of the Treasury to repay or remit certain alien duties therein described; in which bills they ask the concurrence of this House.

The first and third mentioned of the said bills were, respectively, read twice, and referred to the Committee on the Public Lands.

The second mentioned of the said bills was read twice, and referred to the Committee on Private Land Claims.

The fourth mentioned of the said bills was read twice, and committed to a Committee of the Whole.

The fifth mentioned of the said bills was read twice, and referred to the Committee on Military Affairs.

The last mentioned of the said bills was read twice, and referred to the Committee of Ways and Means.

The resolution from the Senate, "directing the distribution of the laws of the fourteenth Congress among the members of the fifteenth Congress," was read the third time, and passed as amended.

THE NEUTRALITY BILL.

The House then again resolved itself into a Committee of the Whole, on the bill in addition to the "Act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned." Mr. CLAY's motion to add a section exempting vessels sailing under the flags of unrecognised governments entering our ports, from the penalties of piracy, being still under consideration—

Mr. CLAY declined taking up the time of the Committee any further on this motion. He would only say, that his object was to place the Patriot flag on precisely the same footing in our ports, as that of the opposite party. He disclaimed any intention, as he learned was presumed by some, of producing by this motion an indirect recognition of South American independence. Whenever he should bring that question before the House, as he assuredly meant to do, it would be in a way open, direct, and unambiguous.

Mr. FORSYTH opposed the motion, and entered into various arguments to show the impropriety of placing upon this footing the flags of governments purporting to be organized and independent, which might have no existence, and to whom there could be no appeal for the misconduct of those acting under commissions from their pretended authority. As an example, he mentioned the Mexican Patriot Government, of whose Congress we had some time ago heard, and which, it had been reported last year, had passed a vote of thanks to the honorable Speaker for his magnanimous exertions in favor of their cause; but this Congress had sunk into oblivion, and all semblance of an independent government become extinct, since the fall of the unfortunate Mina; also that of Venezuela, whose government existed only in the camp of Bolivar. To these governments there could be no resort, as they could not be found, and therefore could not be considered responsible, though there were numerous cruisers sailing under commissions issued by them, which might commit any irregularity, and even depredate upon American property, without our being able to appeal to those granting the commissions for redress.

Mr. CLAY offered a few more remarks in favor of an amendment, whose objects he thought so clear and proper. As to the vote of thanks which it was said he had received from the Mexican Congress, he had no knowledge of it; but of such a distinction, if it were so, he should feel proud. If, however, said Mr. C., I have deserved such an honor from the patriots for my exertions, I submit it to my friend from Georgia, whether he does not deserve a vote of thanks from the opposite party, for his exertions on that side?

Mr. T. M. NELSON replied to Mr. FORSYTH, and disclaimed any views in the votes which he gave here, other than the good of his country and mankind. He was unwilling to involve his country in war to benefit any people or Government, but he would not, from any apprehension of war, be deterred from doing equal justice, and particularly when his feelings as a republican, a philanthropist, and a christian, impelled him to wish success to every struggle for liberty, such a struggle, as he believed, was now going on in South America. Mr. N. said, the amendment proposed would involve the United States in no quarrel; it simply called for the practice of the impartial neutrality which was professed. It would not have the effect of screening from punishment depredations on American property, as Mr. FORSYTH had apprehended; it would merely not make the punishment depend on the acknowledgment of sovereignty. The persons and property coming into our ports under the Spanish flag, were not liable to punishment in our courts, and it was not impartial that those sailing under the flag of the South American patriots should be, only because their independence remained unacknowledged by our Government. The people of this country, Mr. N. believed, were not willing to make so flagrant a difference in favor of a Government alike intolerant to the claims of humanity towards its colonies, and regardless of the claims of justice made on it by the United States. He hoped the amendment would be agreed to.

Mr. MIDDLETON spoke as to the reputed fact in the trial of a case of capture adjudicated in the district court of South Carolina, referred to in the debate.

Mr. SMITH, of Maryland, spoke, to show that the amendment was not necessary to the correct adjudication of cases coming before the courts under the law.

Mr. LOWNDES had no objection to the object

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of the amendment, but spoke some time to show that it was not sufficiently definite. It would be a monstrous injustice to subject to punishment individuals making captures and bringing them into our ports, under the flags of Governments so well established as some of the South American States—that of Buenos Ayres, for instance; but the words of the amendment would admit vessels under any flag, even such as that of a few individuals who should assemble on the obscure island of Juan Fernandez, and fit out their cruisers. It could not be the intention of the House to permit captured property to be brought into our ports, and their legality sanctioned under such authority. In these cases there ought to be either an individual or a national responsibility; in the obscure and unknown establishments to which he had alluded, this responsibility could not be national; then the responsibility ought to apply to the individual. It was said, the amendment was to apply to such flags as were admitted by the Executive, and not to such as were excluded by the Executive; Mr. L. denied that the Executive had the power, either by the Constitution or by law, to exclude any flag from our ports—that power was vested in Congress alone. The amendment would, therefore, recognise the flag of any country, however ephemeral, and thus go to destroy that individual responsibility for crimes, in our courts, which ought not to be relinquished.

Mr. CLAY had no objection to any modification of his motion, which should limit its application to the independent States of South America, and he should have inserted such words himself, had he not deemed it expedient to adopt the precise language of the law of last session, in which there was no designation of any particular States. He differed, however, from Mr. LOWNDES, as to the power of the Executive to exclude any flag—he believed the President had that power; but, to settle that question, he had no objection to confer that power by the law, and let him decide what flags should be admitted, and thus come under the amendment.

Mr. TUCKER, of Virginia, moved to modify the amendment to read as follows. It would not change the effect at all, but only the language; and, if adopted, it would be competent for the courts to say whether any flag in question was that of a colony, district, or people, within the meaning of the section:

"And be it further enacted, That in prosecutions either against persons or property, sailing under the flag of any colony, district, or people, which shall be admitted into the ports of the United States, it shall not be deemed ground for the punishment or condemnation of such person or property, that the sovereignty of such colony, district, or people, has not been acknowledged by the Government of the United States."

This modification was accepted by Mr. CLAY, (and assented to by Mr. LOWNDES,) as a substitute for his motion.

It was opposed, in this shape, by Messrs. FORSYTH and SMITH, of Maryland, and supported by Mr. TUCKER. Mr. SPENCER submitted some remarks in reply to Mr. SMITH, on the nature of

piracy, which could be committed with as well as without a commission, &c.

The question was then taken on Mr. CLAY's amendment, as modified, and carried—ayes 87.

Mr. FORSYTH then said, the adoption of this section went to authorize every colony, district, or people whatsoever, to issue commissions, and to recognise such commissions in our ports. He wished that the section might be confined to responsible Governments, and not recognise any handful of men who might embody and issue commissions to capture property on the high seas. He, therefore, moved to add to the section the following proviso:

"Provided, That the colony, district, or people aforesaid, have organized an existing independent Government at the time of the commission of the fact of which the persons are charged."

Mr. CLAY, after waiving the objection of order which might be made to this motion, said it was improper, because it would require too much. Venezuela, for example, which had achieved an imperishable fame by its noble and unparalleled exertions in the cause of liberty—he did not know that this State was actually independent, though it so well deserved to be, and had no doubt it would soon be—yet the flag of this Government, so much entitled to our respect and admiration, would be excluded from our ports by the proviso.

On motion of Mr. TUCKER, of Virginia, the proviso was amended, to read as follows—ayes 85:

"Provided, That the colony, district, or people aforesaid, have organized an existing Government, claiming to be independent at the time of the commission of the fact, of which the persons are charged."

Mr. FORSYTH moved to insert the word "responsible," after the word "existing."

Mr. CLAY objected to this, as a phrase vague and unusual, applied to a nation, however definite and intelligible applied to an individual. What was a responsible Government? Some might think the Government of Spain itself, of the adored Ferdinand, not responsible. It was a term of too doubtful construction to be proper here.

Mr. FORSYTH said, the word responsible was of definite and precise meaning, as applied to nations or individuals. There was a pecuniary responsibility certainly, but the Speaker understood perfectly well there were other responsibilities, too, with respect to nations. His wish was to permit the courts to judge whether the Government, claiming to be independent, was so constituted as to enable the United States to make it answerable for the conduct of those sailing under its commission. Before the end of the present session of Congress, he hoped to be permitted to show to the Speaker how the adored Ferdinand might be made responsible for the conduct of Spain to the United States.

Mr. CLAY expressed his thanks for this information, and the pleasure it gave him.

Mr. FORSYTH's motion was lost, and the proviso was then agreed to, as modified by Mr. TUCKER.

The Committee then rose, and reported the bill

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and amendments to the House; which were laid on the table, to be printed.

OHIO CONTESTED ELECTION.

The House then went into a Committee of the Whole on the report of the Committee of Elections, in the case of the disputed right of Mr. HERRICK to his seat, in consequence of having for some time after his election held the office of United States Attorney for the district of Ohio. The report concludes with a resolution that Mr. H. is entitled to a seat; which resolution Mr. ADAMS yesterday moved to reverse.

Mr. ANDERSON, of Kentucky, said that his reflections on this subject had produced a result, very different from the resolution recommended by the Committee of Elections. The question presented by the report is a very important one; and the delicacy, if not the difficulty, of the subject is very much increased by the consideration, that, not only the seats of several gentlemen here, but the rights of their constituents are involved. If we shall, by any incorrect decision, declare that these seats are vacant, we shall, indeed, deeply injure that portion of our fellow-citizens whose power we destroy, and whose voice we silence in this House; but this consideration can only prompt us to a more attentive examination of the subject, when it is remembered that, if we admit to the councils of the country persons who have not the required qualifications, we inflict a much greater injury on the whole body of the American people. There is nothing more highly calculated to excite the jealousy of freemen, than an extension of the power of legislating over them, to those to whom they have not imparted it.

The duty which we are now performing is important, but fortunately of rare occurrence. This House has now laid aside its ordinary legislative character, and has assumed, under the direction of the Constitution, the functions and powers of a court. The solitary case in which the House of Representatives assumes the judicial character is, in determining "the election returns and qualifications of its own members." The ultimate consistency of all its other acts with the Constitution is to be tested by another department. In this case it is the sole judge of the facts and the Constitution. Its exposition is final and uncontrollable. This consideration impresses on us the importance of the question, and shows the necessity of giving to it the clearest examination. And, however strong our personal feeling might be to wish the most intimate association with these gentlemen in the discharge of our duties, however much we might rejoice that the nation should receive the benefit of their experience and talents, it must be remembered that we can neither extend nor curtail the demanded qualification. It is known that he must rely on the last member of the sixth section of the Constitution for the exclusion, which he expected to establish, which declares that "no person holding any office under the United States shall be a member of either House during his continuance

in office." The question seems to depend, by unanimous concession, on the time at which the representative character was assumed. Was it on the 4th of March; or at the time of taking the seat, or oath; or at what time was it? To maintain the position for which he contended, it must be established that the individual became a representative on the 4th day of March, the commencement of the Congressional term. But it has been contended in the answer of the gentleman from Massachusetts, that this period has no other claim to dignity than that which an ordinary act of the legislature could give it, and that, consequently, in giving construction to the Constitution, we could not assume that time, in preference to any other, as the beginning of the term. If the fact corresponded with this statement, the consequence contended for could not follow, as the statute would have been in necessary execution of the Constitution, and as indispensable for putting the Government into operation as any clause in the original instrument. But, by attending to the facts as they occurred, it will be manifest that the period here assumed, is the commencement of the federal year, and that nothing has been fixed with more solemnity. The body of the Constitution does not, and indeed could not, from the uncertainty of its ever being ratified, declare the day on which the Government should take effect. But, on the same day on which the Constitution was completed, the Convention still sitting in its public character, with all the powers with which they ever had been invested, passed a resolution, in which the mode of procuring the assent and ratification of the States was prescribed, and authority was given to the Old Congress, "as soon as the Conventions of nine States had ratified this Constitution, to fix a time and place for commencing 'proceedings under this Constitution.'" It was further resolved that, after the requisite elections had taken place, all of which were therein provided for, that "the Senators and Representatives should convene at the time and place assigned," and that "the Congress, together with the President, should, without delay, proceed to execute this Constitution." This resolution was declared to have been passed "by the unanimous order of the Convention;" and was attested by the President and Secretary. It will readily be conceded that, if the members of the Convention possessed the power of framing a Constitution, they as certainly possessed the means of providing for its execution. The time for beginning the new order was of necessity submitted to some body which should have existence when the ratifications of the several States should be received. And these resolutions had in truth, and in public estimation too, as much dignity as any part of the body of the instrument, for all the States in the Union recognised them by appointing Conventions, and Congress did discharge the duty vested in them. On the 13th September, 1788, information having been received of the ratification according to the required manner, Congress executed the power, by resolving that "the first Wednesday in March

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next be the time, and the present Seat of Congress the place,* for commencing proceedings under the Constitution." And the Senators and Representatives did give final execution to the original resolution by meeting on that day. The journal is entered in the first volume of the late edition of the laws of the United States, and contains the narrative of these proceedings. The first act of the Senate has precluded all question as it regards that body, as, in obedience to the third section, the Senators were at their first meeting divided into three classes, and the seats of each declared vacant at the expiration of two, four, and six years respectively, all in reference to that day.

Mr. A. said he should not have devoted one moment to prove what he never knew before to be denied, if it had not been seriously urged in the answer, that this day had been assumed as the commencement of the Congressional year, only by an act of ordinary legislation, and that, in any debate on the construction of the Constitution, it had no more claim to attention than any other period of time. But it now must be manifest that this day has been fixed with a certainty and solemnity which would forbid the Legislature from declaring that Congress should in future take its date from any other period; and, indeed, forbid it from all interference on the subject.

In examining this subject, Mr. A. said, he should not pursue the course of the report, but should take the Constitution solely as his guide, and expected to prove, from its various provisions, that the individual elected assumes the character, privileges, and responsibilities of a member before the session of Congress; or, in other words, that they are not dependent on his taking the oath, and the actual occupation of his seat. The first part to which he called the attention of the Committee was the first member of the fifth section, which declares that "a majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members." There is no pretence for saying that this has not reference to the first as well as to any subsequent session of Congress. Here, then, is the plainest evidence that a person elected may be a member of the House before he has appeared and taken his seat; before he has presented himself to the House; before he has given any formal acknowledgment of its authority; even before he has given the least signification of his acceptance, there is imposed on him the responsibility of a member. He is bound to attend; and his disobedience would be punished by adequate penalties. The operation of this clause may seem highly penal; it may seem harsh to impose such obligations on a citizen who has manifested no unwillingness to incur them. That the language of the section is plain, would be an ample answer to any complaint of supposed hardships; but it is evident

that the grant of such a power was essential to keep alive the two Houses of Congress. It would have been idle to have created a legislative body, without giving to the attending members the power of coercing the attention of absentees, and thereby of preserving its own existence. But this could be done in no way but by imposing on the persons elected the character and obligations of members.

This section, then, completely establishes the position, that persons elected may be Senators or Representatives before their appearance. To what period of time, then, can the beginning of their public character be referred? To none but the commencement of the term. If Congress had been convened on the 1st of June, the same power would have been possessed to compel the attendance of those who were absent; and such would have been the case at any meeting after the 3d of March. Hence, to his mind the consequence was resistless, that if the individual has been chosen by the people, and the time has commenced, he is a member, and is subject to all the penalties and disabilities of one. It has been thought by some, that the person elected could not be a Representative unless he had given some formal evidence of his acceptance; but this section entirely destroys that idea. So far from requiring any formal acceptance of the votes of the people, to subject him to the call of the House, we see that even a failure to attend is not considered sufficient evidence of non-acceptance as to rescue him from its power. The clear inference, then, is, that when an individual of the requisite age and citizenship has been elected, he is a member, unless he gives positive evidence that he refuses to accept. And it is not believed that any inconvenience can result from this section, so necessary to the existence of Congress, as the cases have never yet been disclosed in which the votes of the people were thrown upon a gentleman, unless it was with his acquiescence, and, generally, at his most earnest entreaty; and no mischief can in any way arise, as the person may easily release himself from the pains by renouncing the honors of a Representative.

Before he proceeded to test the construction contended for by his adversaries, by the other provisions of the Constitution, it was necessary that he should examine a position assumed by them, and urged with great confidence, one which was rejected by the Committee of Elections, but seemed to be relied upon as the main ground of defence in the printed answers of the gentlemen from Massachusetts and Ohio. (Messrs. HOLMES and HERRICK.) They rested their defence to a seat in this House on the distinction between the words "*representatives and members*." The clause which produces the exclusion in this case says, that "no person holding an office under the United States shall be a member of either House during his continuance in office." And the whole course of the argument of these gentlemen is founded on the admission that they were representatives from the commencement of the term; but they contend that they were not members

* New York.

until the oath was administered, and the House was organized, and, of course, were not embraced within the exclusion. For this construction they have contended with such zeal, as to demonstrate that in their opinion the whole question turns on this point. To ascertain the correctness of this bold and novel idea, he had imposed on himself the trouble of a verbal and critical examination of the whole Constitution; and he now felt the confident conviction that it was not correct. The word "members" is used in various places to convey the same meaning which is expressed by the words "senators and representatives;" they are used indiscriminately throughout the Constitution. The clause on which he had commented spoke particularly of members in reference to a time before they had appeared, and before the House was convened; it gave the power of calling the "absent members" to produce an organization of the House, the very fact which these gentlemen contend is necessary to constitute a member. But it is used, generally, to prevent circumlocution, as a collective word, embracing the constituent individuals of both Houses. Wherever a section is introduced in the Constitution, giving powers, or imposing duties on the members of both Houses, that word is used to supersede the necessity of two sections, which would have been otherwise necessary. It would not only have been prolix, but very inelegant to have prescribed the powers and duties of the Senators, and, immediately afterwards, to have introduced a section, similar in all respects, declaring the powers and duties of Representatives. This prolixity and inelegance has been avoided by the use of a word equally applicable to both. But so strong was the reliance which had been placed in this construction, that he had been induced to examine the letters of the Federalist, to ascertain whether it was rendered plausible by any notice or commentary there; but he found that in the work the word "members" had been employed in more than twenty cases, in reference to the persons elected, before the meeting of the Congress for which they had been elected. In one remarkable instance, in the case of the clause now under consideration, the authors, in stating the operation of it for another purpose, say that the "Senators and Representatives" are excluded from office, thereby substituting those words for the one which is really used, showing most clearly that they considered them as synonymous, and that the distinction now urged was not suggested to them. It may be said, as this question did not form the particular subject of consideration in any of these celebrated tracts, that no definition there imposed should have the weight of an authority. He said he did not use it for the authority of their opinion, but he used it for the authority of the fact, that it was impossible, if the distinction between these words, as now contended for, had been taken in the Convention, that Mr. Madison and Mr. Hamilton, who took an active part in all its proceedings, should so soon have forgotten it; should so soon afterwards have used, as synonymous, words between which they had,

a few months before, created such an important difference. He said he could not have much confidence in a construction which had not occurred to any one for nearly thirty years. He asked the whole Committee, he asked each member individually, if the thought had ever occurred to him that he was a Representative from the commencement of the term, but not a member of Congress until the House was organized? The idea was, then, surely fallacious, and the authors of it entitled to nothing but the high merit of ingenuity and novelty.

The sixth section, which declares that "Senators and Representatives shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same," furnishes a case, in which the privileges of a Representative are thrown over the individual before he takes the oath of office. This exemption precedes the very facts which, the report contends, are necessary to constitute the Representative.

In perfect coincidence with these two clauses is the first section, article second, which, prescribing the manner of appointing a President, says that "no Senator or Representative, or person holding any office under the United States, shall be appointed an elector." This sentence surely embraces the case of a Representative, as well before as after he has taken his seat. The reason of the exclusion is plain, and we should deprive the clause of half its operation, if it was restricted to the period which occurs after the member has taken his seat. But notwithstanding this interdiction, if the construction of the report be correct, a member of Congress may, before the session commences, act as an elector. Surely we should not rashly admit a construction which would enable all who have been elected to Congress to serve as electors during that whole period of time between March and December; but this result must follow, if the person elected is not a Representative until he appears and takes his seat, for it is the Representative only who is the disqualified person; and if that character has not attached itself to him he is under no disqualification, and can be an elector. One reason which caused the Convention to disqualify members of Congress from serving as electors was, that, in the event of an equal number of votes between any two candidates for the Presidency, the President is to be chosen by the House of Representatives. That the same individual, then, may act and vote as an elector, and in a few weeks afterwards, in the event of a tie, may, on this floor, again vote for the President, is the preposterous and frightful, but certain consequence of the gentlemen's doctrine. If we assent to the position assumed, there is no mode of extricating ourselves from the difficulty; but if we were only reduced to the alternative of ascribing these consequences to the Constitution, or to the report, the gentlemen must pardon him if he thought they were entitled to the preference.

The second section of Art. 1 says that no per-

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son shall be "a Representative who shall not have attained the age of twenty-five years, and have been seven years a citizen of the United States." If the idea is correct that no one can be a Representative before the oath is taken, then this requisition is complied with, if the age and citizenship be attained at any time before the meeting of Congress. This may seem at first reasonable enough, as there is no official duty to be performed in which wisdom or experience is required before that time; but the consequence would be ludicrous, as it makes the eligibility of the person chosen depend on the time of year at which Congress meets. If Congress is convened in the Spring, he is not eligible; if it is postponed until December, the age is obtained and he takes his seat.

The farther result follows, that in this way you give to the President the power of conferring or withholding the eligibility of the individual, as he can, by convening Congress at an earlier day than the usual one, deprive him of the qualification which he would have attained in a few months. Unless, indeed, you push the consequence still farther, and contend that, as he is not a Representative until he is sworn, he may postpone that period, and be still eligible and take his seat, if he attains the required age at any time before the expiration of the term. But certainly the qualifications of a member cannot depend on these various contingencies. The requisition must not rest on anything so uncertain as the meeting of Congress or the will of the President. His opinion was, that the person elected must be qualified to serve on the 4th day of March—the day on which he is liable to be called.

It must now be obvious that this case comes within the letter of the Constitution; and he would not very readily assent to a doctrine which would support the idea that we should disregard a case which was plainly within the language of the rule, merely because we did not see the reasons of its introduction. We expound the rule, but cannot extend or restrict it. We bear the same relation to the Constitution which the Judiciary does to the statute. A judge cannot refuse to give effect to a law because he cannot discover, or, if he discovers, does not approve the reasons of its enactment. But here the letter so strictly corresponded with the intention of the Convention, that he readily submitted his construction to this favorite test.

It has been said in the report, without any qualification, that there was no reason for his exposition; that, as the office must be resigned before the seat was taken, no mischief could arise from permitting the individual to hold the office after his election, until the meeting of Congress. So strong was his conviction of its fallacy, that on it he would rest the question.

From the language of the Constitution and the order of its arrangement, it is manifest that the framers had a general design of separating the powers of government. This general design was, however, violated in several excepted cases,

in some of which the powers of two departments were vested in the same person, and in others, those of one divided between two. Every rule, however, on this subject, directs us to give a construction which would promote the general rule in preference to one which would extend the exception. It is probable that the idea held out in the report, that no mischief could flow from its construction, arises from the fact, that those who have examined the subject have attended exclusively to the Representative; and when they have failed in discovering any bias which could influence his legislative acts after his office was laid aside, saw no reason for a different opinion. But if they will for a moment cast their thoughts towards the President, at whose will this office has been held since March, reflect on the inducement which might influence him to retain the favor of this officer, who is a member of Congress; recollect, farther, that this officer is a member of the only tribunal which can bring the President to punishment, and you would see ample reason for his construction. Is there not a most powerful motive on the President to refrain from dismissing that man from office who he knows will be an influential member of the House of Representatives, the only body which can ever bring him to a trial? Will a President dare to displace that officer, whatever be his negligence or infamy, who in a few months will be in a seat, in which he can expose his misdeeds or move his impeachment? It was intended that the Chief Magistrate should have the most perfect independence, not only in appointing, but in retaining officers in the public service; but here we defeat the object, by exposing him to the strongest temptation to retain an incompetent officer. The Constitutional independence of the President is commuted for a corrupt and illegal dependence on the creature of his own will. Reflect on the incongruous state of things which you produce, when an individual is, in one character, the tenant of an office at the will of the President, and in his other, his prosecutor, if in this House, or his judge if in the Senate. I will propound to you, Mr. Chairman, said Mr. A., the simplest question, which will show the feelings and the conduct of any man: If you had an important suit now depending in the Supreme Court, and one of the Judges held a profitable private agency at your disposal, dare you to displace him before that suit was tried? And if you had firmness to dare, would he have virtue enough not to remember it? If you adopt my construction, we shall neither expose you or the judge to such temptation.

But the strongest view of this mischievous construction arises from the fact, that if a person can, after the 4th of March, hold his office and discharge new duties every day, he may be appointed to any new office, and still be eligible, if he resigns before the meeting of Congress. This consequence has not been and cannot be denied. In principle there is no difference between holding and discharging the duties of an officer after the election to which the individual has been pre-

viously appointed, and receiving a commission for any other, and performing its duties. No one has been so disingenuous as to attempt to show any distinction. By appointing an applicant for office who is in the next Congress, the President gains a friend and an advocate; by refusing, he makes an enemy; and do you not believe that he will always be preferred, who, in his application, can make the offer of his favor, or menace the Executive with his enmity, before one whose favor and enmity would be alike disregarded? With the multitude of offices in the Executive hands, it may safely be asserted that a corrupt President could never be brought to punishment. It is idle to expect that his patronage can ever be lessened in this country. His powers are at this moment in a most rapid state of accumulation, the inevitable consequence of our increasing wealth, population, and prosperity. And if ever you expect to decrease these powers, you must destroy the commerce of the ocean, you must lay waste the lands of the West, you must collect your revenue without officers, and create offices without salaries.

It may be said that the rewards which could be offered would be too small to operate as a bias, inasmuch as the utmost would be the possession of an office for a few months. But this cannot be urged with effect, as it would only show that the influence was not as great as might be in other cases; it is the existence, and not the degree of the influence which is regarded. An office of the emoluments of one hundred dollars, and of the duration of nine months, fills the language and the intention of the Constitution as completely as one of the emoluments of a million, or the duration of a life. In many cases, however, the profits of offices in the Executive gift, even for that period, were, as he believed gentlemen would be willing to admit, of some consideration. The salary of a foreign minister for nine months is nearly \$7,000; of the Secretaries of the Departments, of some of the collectors of the ports, and many other officers, nearly \$4,000; and of several hundred offices in the United States from one to three thousand dollars. All this is shown in the Red Book now on your table. These are sums which gentlemen, unless they valued money much less than he did, would be unwilling to surrender. No man who has been recently dismissed from office can come into this House without angry feelings towards that officer who dismissed him, and the President will always know this too well ever to produce them.

The report now before us shows that a state of things may easily occur, in which a timid President would fear to exercise his power of dismissal. In these tranquil times, when the Chief Magistrate of the nation receives the almost unanimous approbation of his countrymen, my apprehensions may not be realized; but if ever political conflict should come again, and parties be nearly equal in this House, would any President, but the one most strong in virtue, dare to dismiss from lucrative appointments as many as *ten* officers, who were soon to take

ther seats as members of Congress, and whom he thereby drew from the list of his adherents, and added to his enemies? He would not, however negligent or flagitious they might be. The observations which he had made applied with equal force to the Senate, as the seat of a Senator similarly situated depends on the same section. But when it is remembered that in all cases of the impeachment of a civil officer one-third of that body can produce an acquittal, we can readily see a strong inducement in the President to refrain from any injurious treatment towards a member of the Senate. So long as he can by his virtues or his vices secure fourteen Senators, he is beyond the control of the people or the power of punishment. May not, then, cases occur, in which the votes of one, two, or three men would be so important, as that they would be permitted to retain their offices, or new ones be given them after their election, with the sole view of securing their votes? It cannot be objected that it is unfair or unwise to argue from the supposition that a President is capable of corruption; the Constitution itself, which gives the power of impeachments, and contains various guards against the corrupt passions of man, warrants the idea. It would, indeed, be unpardonably puerile to act on the supposition, that the future officers of this Government would not have the same propensities and feelings which God had given to man since the creation of the world. If this argument only suited extreme cases he would at once surrender it; we must act for man as he is formed; we cannot fashion him by the standard of an angel.

In this way, too, the Constitutional sanction of the Senate would be evaded, as the President, by appointing an individual to office, who he knows will resign at the meeting of Congress, thereby increases his patronage by the necessity of another appointment, and multiplies the cases in which offices are held by individuals whose qualifications have not been tested by the Senate.

Other suggestions might be made on this subject which would tend to warrant my view; but, although considered singly, they would not, and probably ought not, to form the basis of an opinion, all conduce to the same end. In all cases of doubtful import, public sentiment and general practice cannot be wholly disregarded; he now referred to the laws of Congress, giving the privilege of franking letters, and an exemption from militia duty, and the practice under them. It is believed that a universal sentiment has prevailed that they attached to the member before he took his seat; and it would not be hazardous to venture a conjecture, that the enjoyment of them, in all the present cases, had not been postponed until the oath was administered. If it should be urged that this practice had been tolerated in silence, without objection or discussion, and of course was not entitled to the weight of an authority; he replied, that this circumstance gave the highest evidence of the universal opinion that it was right. There is no subject on which the people are so sensitive, none on

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which popular jealousy is so quick and lively, as in relation to exclusive privileges; and the least attempt on the part of a person elected to enjoy an exemption, before the laws gave it to him, would have excited immediate commotion and objection.

The President executes his authority very frequently of convening Congress before the ordinary time, and it is not believed that any difficulty has ever occurred about the address of his proclamation to the "Senators and Representatives," although they have never yet taken the oath, or given any formal evidence of acceptance. They have invariably obeyed the summons as they were bound to do, *unless they resigned*; under no other construction could the proclamation have any effect. If the Representative would not resign, and the obligations of a member were not imposed upon him so far as to make it his duty to obey the mandate, Congress could not be convened.

An opinion has been held by some, that the situation of these gentlemen, and that of a judge who had received the appointment of the President and Senate, but who had not yet taken the oath *officio*, were similar; and they contend that in neither was the appointment complete, nor could the official name and character attach themselves to the individual, until he had given this final evidence of acceptance and qualification. But, said Mr. A., this proposition is susceptible of answer, which he thought unanswerable. The present question depends solely on the verbal construction of the several parts of the Constitution which relate to it; and no argument can be drawn from any cases of supposed analogy, unless the language relating to the appointment be precisely similar. Whenever it was said that the person appointed did not become a judge until the oath of office was administered to him, with the view of drawing the same inference in relation to a Representative, he immediately demanded whether the language governing the cases were alike? But the language is essentially different, and all argument drawn from that source fails. The case of a Representative depended on different principles. The Constitution had, he thought, sufficiently declared that the election of the people did constitute the individual a member of Congress. And it would be observed that in all parts of the Constitution the analogy between Representatives and other officers was broken. The President, "before he enters on the execution of his office," must take the oath; but "Senators and Representatives shall be bound by oath or affirmation to support this Constitution." Here the difference of phraseology shows to us that the oath required of the Representative was only one security provided against corruption, but was not considered as an act necessary to constitute the officer, or in any way necessary to give validity to his votes or acts. This construction commenced with the Government. It appears from the journals of the first Congress under the present Government, that the members did not take

the oath until several weeks had elapsed after the beginning of the session, and not until they themselves had passed a law prescribing the manner in which it should be administered.

Mr. A. said that he believed that Congress was a continuing existing body. It is declared in the first line of the first section that "all legislative powers herein granted shall be vested in a Congress of the United States;" and he thought that lodgment never had been, nor ever would be, divested or suspended, until there was an entire violation of the Constitution, and consequent dissolution of the Government; that there has been a valid grant and divestiture of power from the people, and that there must be an existing and permanent deposit to receive them. The fourth section maintains this idea, and insures the continued existence of Congress; as, although the regulation of elections is in the first case submitted to the States, the power is reserved of altering them at any time, whereby it is impossible that there can be any chasm in the Legislature. If the States should ever show a disinclination to pass the necessary laws for holding elections, Congress would immediately exercise its power. But even if he were incorrect in this last opinion, it would not at all injure the main point, as he might be wholly wrong in this, and still, for the other reasons given, the report must be reversed.

When Mr. ANDERSON had concluded, Mr. JOHNSON, of Kentucky, in a short speech, supported the right of the member to a seat.

Mr. FORSYTH spoke at some length in opposition to the report, and to the right of the member retaining his seat.

Mr. SRENOER replied, and spoke also at considerable length in support of the report, and the right of Mr. HERRICK to a seat.

Mr. FORSYTH rejoined, and further supported his opinion.

Mr. TAYLOR, Chairman of the Committee of Elections, entered at large into the defence of the report, and of the right of the member to a seat.

The Committee then rose, and obtained leave to sit again.

FRIDAY, March 20.

Mr. SERGEANT, from the Committee of Ways and Means, to whom was referred an inquiry into the expediency of allowing a drawback on refined sugar exported, and a memorial of the distillers and merchants of Boston, praying that drawbacks may be allowed upon the exportation of spirits distilled from foreign materials, made a report thereon, in favor of the expediency of allowing drawback on the articles mentioned. The report was ordered to lie on the table, and be printed.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Samson R. King, accompanied by a bill for his relief; which read twice, and committed.

Mr. ROBERTSON, of Louisiana, from the Committee on the Public Lands, to which was refer-

red the bill from the Senate, entitled "An act allowing additional salary and clerk hire to the surveyor for the Illinois and Missouri Territories, and for other purposes," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. ROBERTSON also reported a bill from the Senate, entitled "An act to vest, in trust, certain sections of land in the Legislature of the State of Ohio," without amendment, and the bill was committed to a Committee of the Whole.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of John Delafield, which was read; when Mr. R. reported a bill for the relief of the said John Delafield, which was read twice, and committed to a Committee of the Whole.

Mr. RHEA also made a report on the petition of Samuel Burr, which was read twice; when Mr. R. reported a bill for the relief of the said Samuel Burr; which was read twice, and committed to a Committee of the Whole.

The resolution of the General Assembly of Maryland, respecting the establishment of a naval depot within the said State, laid before this House, on the 25th ultimo, was referred to a select committee; and Messrs. SMITH, of Maryland, IRVING, of New York, Mason, of Rhode Island, BASSETT, MASON, of Massachusetts, ANDERSON, of Pennsylvania, and SIMKINS, were appointed the committee.

On motion of Mr. SPEED, the Committee on the Public Lands were directed to inquire into the expediency of providing by law for the endorsement on each patent for military bounty land, the surveyor's description of the soil, timber, &c., of the lot conveyed by such patent.

On motion of Mr. SPENCER,

Resolved, That the Committee of Accounts be instructed to inquire into, and report to this House, the reason of the delay in laying on the tables of the members the President's Message of the 14th of March, 1818, with the accompanying documents.

Resolved, That the same committee be directed to inquire into, and report to this House, the reason why the Register of the officers of the United States, has not been delivered to the members of this House.

Mr. SERGEANT submitted the following motion:

Resolved, That the President of the United States be and he is hereby requested to lay before this House, if not inconsistent with the public interest, any communications made to the Department of State, relating to the occupation of Amelia Island, not heretofore communicated.

After an unsuccessful motion to lay the resolution on the table, and a good deal of discussion on the propriety of making this additional call on the Executive, the resolution was agreed to.

On motion of Mr. ANDERSON, of Kentucky, the Committee on Roads, Canals, and Seminaries of Learning, were instructed to inquire into the propriety of authorizing the Secretary of the Treasury to subscribe, on behalf of the United

States, for five thousand shares in the capital stock of the Kentucky Ohio Canal Company.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting reports respecting tonnage and certain imports and exports, made in obedience to the resolutions moved by Mr. PITKIN, on the 29th of December last.

A Message was received from the President of the United States, relative to our relations with the Government of the Netherlands, with a view to the revisal and modification of the commercial treaty existing between the two countries adapted to their present circumstances.—Referred to the Committee of Ways and Means.

OHIO CONTESTED ELECTION.

The House (having refused to take up the neutrality bill) again went into Committee of the Whole, on the report of the Committee of Elections respecting the right of Mr. HERRICK, a member from Ohio, to a seat in this House—Mr. ADAMS's motion to reverse the report, and thus vacate the seat, being under consideration.

Mr. TAYLOR concluded his remarks (which were interrupted by the adjournment yesterday) in favor of the report.

Mr. HOPKINSON took the opposite side, and spoke near an hour against the report of the Committee of Elections, and the right of the member to a seat.

Mr. BALDWIN spoke at considerable length in confirmation of the right of Mr. HERRICK to his seat.

Mr. ADAMS briefly replied; when the question was taken on reversing the report of the Committee of Elections, and carried—ayes 67, noes 66.

The Committee then rose, and reported their decision to the House.

After a good deal of desultory conversation on various motions, touching the right of certain members to vote on the question, whose seats were supposed to be held under circumstances similar to that of Mr. HERRICK, and therefore personally interested in the decision; and after refusing to excuse Messrs. BARBER, of Ohio, and HUBBARD, of New York, from voting, the question on concurring with the Committee of the Whole in reversing the report of the Committee of Elections, was decided in the negative, by yeas and nays. Those who voted for concurring with the Committee of the Whole, and, of course, against the right of the member to a seat, were:

Messrs. Abbott, Adams, Allen of Massachusetts, Anderson of Kentucky, Austin, Ball, Barbour of Virginia, Bateman, Bayley, Beecher, Bellinger, Bennett, Burwell, Claiborne, Cook, Crawford, Cushman, Darlington, Edwards, Ervin of South Carolina, Floyd, Forney, Forsyth, Garnett, Hogg, Holmes of Connecticut, Hopkinson, Huntington, Irving of New York, Johnson of Virginia, Little, Lowndes, McLane, Marr, Mason of Rhode Island, Middleton, Jeremiah Nelson, H. Nelson, Owen, Pawling, Peter, Pindall, Pleasants, Reed, Rhea, Rice, Richards, Robertson of Louisiana, Ruggles, Sawyer, Schuyler, Sergeant, Seybert, Sherwood, Simkins, Slocumb, S.

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Smith, Bal. Smith, J. S. Smith, Speed, Stewart of North Carolina, Terrill, Terry, Tompkins, Tucker of Virginia, Tucker of South Carolina, Walker of Kentucky, Wendover, Westerlo, Whiteside, Williams of Connecticut, Williams of New York, Williams of North Carolina, and Wilson of Massachusetts—74.

Those who voted against concurring, and in favor of the member's keeping his seat, were:

Messrs. Allen of Vermont, Anderson of Pennsylvania, Barber of Ohio, Bassett, Bloomfield, Blount, Boden, Boss, Butler, Campbell, Clagett, Cobb, Comstock, Cruger, Culbreth, Desha, Earle, Ellicott, Folger, Gage, Hale, Hall of Delaware, Harrison, Hasbrouck, Herkimer, Hitchcock, Holmes of Massachusetts, Hubbard, Hunter, Johnson of Kentucky, Jones, Kinsey, Kirtland, Lawyer, Linn, Livermore, W. P. Maclay, McCoy, Marchand, Mason of Massachusetts, Merrill, Moore, Morton, Moseley, Mumford, Murray, New, Ogle, Palmer, Patterson, Poindexter, Porter, Rich, Ringgold, Robertson of Kentucky, Sampson, Savage, Scudder, Settle, Shaw, Silsbee, Southard, Spencer, Strong, Tallmadge, Tarr, Taylor, Townsend, Tyler, Upham, Walker of North Carolina, Wallace, Whitman, Wilkin, and Wilson of Pennsylvania—77.

So the House refused to concur in the report of the Committee of the Whole; and then, after an unsuccessful motion by Mr. FORSYTH, to recommit the subject to the Committee of Elections, with instructions to report the case of Mr. HERRICK distinct from other cases now embraced in the report; and a motion, also unsuccessful, by Mr. ALLEN, of Massachusetts, to postpone the report indefinitely—

The question was taken, by yeas and nays, on agreeing with the Committee of Elections, that Mr. HERRICK is entitled to a seat, and decided in the affirmative—yeas 77, nays 70, as follows:

YEAS—Messrs. Allen of Vermont, Anderson of Pennsylvania, Baldwin, Barber of Ohio, Bassett, Bloomfield, Blount, Boden, Boss, Butler, Campbell, Clagett, Cobb, Comstock, Crafts, Cruger, Culbreth, Desha, Earle, Ellicott, Folger, Gage, Hale, Hall of Delaware, Harrison, Hasbrouck, Herkimer, Hitchcock, Holmes of Massachusetts, Hubbard, Hunter, Johnson of Kentucky, Jones, Kinsey, Lawyer, Linn, Livermore, W. P. Maclay, McCoy, Marchand, Mason of Massachusetts, Merrill, Moore, Morton, Moseley, Mumford, Murray, Ogle, Palmer, Parrott, Patterson, Poindexter, Porter, Rich, Ringgold, Robertson of Kentucky, Sampson, Savage, Scudder, Settle, Shaw, Silsbee, Southard, Spencer, Strong, Strother, Tallmadge, Tarr, Taylor, Townsend, Tyler, Upham, Walker of North Carolina, Wallace, Whitman, Wilkin, and Wilson of Pennsylvania.

NAYS—Messrs. Abbott, Adams, Allen of Massachusetts, Anderson of Kentucky, Austin, Ball, Barbour of Virginia, Bateman, Bayley, Beecher, Bellinger, Bennett, Claiborne, Cook, Crawford, Cushman, Darlington, Edwards, Floyd, Forney, Forsyth, Garnett, Hogg, Holmes of Connecticut, Hopkinson, Huntington, Irving of New York, Johnson of Virginia, Little, Lowndes, McLane, Marr, Mason of Rhode Island, J. Nelson, H. Nelson, Owen, Pawling, Peter, Pindall, Pleasants, Reed, Rhea, Rice, Richards, Robertson of Louisiana, Ruggles, Sawyer, Sergeant, Seybert, Sherwood, Simkins, Slocumb, S. Smith, B. Smith, J. S. Smith, Speed, Stewart of North Carolina, Terrill, Terry, Tompkins, Tucker of Virginia, Tucker of S.

Carolina, Walker of Kentucky, Wendover, Westerlo, Whiteside, Williams of Connecticut, Williams of N. York, Williams of North Carolina, and Wilson of Massachusetts.

SATURDAY, March 21.

Mr. LOWNDES, from the Committee of Ways and Means, to whom was referred the bill from the Senate, entitled "An act to authorize the Secretary of the Treasury to repay, or remit, certain alien duties therein described," reported the same without amendment, and the bill was committed to a Committee of the Whole.

On motion of Mr. SIMKINS, the Committee on the Public Lands were instructed to inquire into the expediency of establishing other land offices in the Territory of Alabama, than those already established, and of appointing other registers and receivers of public moneys, in addition to those already appointed.

On motion of Mr. TAYLOR, a committee was appointed to inquire into the expediency of providing by law for an earlier commencement of the next session of Congress than the stated period, with leave to report by bill or otherwise; and Messrs. TAYLOR, POINDEXTER, PITKIN, ROBERTSON of Kentucky, TUCKER of Virginia, RHEA, and WHITMAN, were appointed the committee.

Mr. BASSETT laid before the House a letter from Daniel Carroll, of Duddington, addressed to him as Chairman of the Committee on that part of the President's Message, in relation to the selection of the site for the Executive offices; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Elections, respecting the right of Elias Earle, a Representative from South Carolina, and George Mumford, a Representative from North Carolina, to seats in this House.

The Committee of the Whole, without debate, agreed to the report, and rose and reported their agreement to the House, and the House concurred with the Committee of the Whole in their agreement to the resolutions, that Mr. EARLE and Mr. MUMFORD are entitled to their seats, in which they are of course confirmed.

The following bills successively passed through Committees of the whole House, and were severally ordered to be engrossed for a third reading, to wit: A bill from the Senate for the relief of William Edwards and John G. Stubbs; a bill allowing additional salary and clerk hire to the surveyor of the Illinois and Missouri Territories, and for other purposes; a bill to extend the privilege of franking to the vaccine agents of States and Territories; a bill authorizing John Taylor to be placed on the navy pension fund.

The House went into Committee of the Whole on the amendment reported by the Committee of Claims to the bill for the relief of John Bate. The Committee of the Whole concurred in the amendment.

A motion was then made by Mr. CLAIBORNE

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to amend the bill as amended, by striking out these words; to wit: "Also, to make such reduction in the rent, stipulated to be paid by the said John Bate, as shall appear just and equitable, in consequence of any deterioration in the quality, or diminution in the quantity of water in said saline, as may be proven to his satisfaction; as also."

Mr. MARR moved that the bill lie on the table. *Negatived.*

The question was then taken on the amendment proposed by Mr. CLAIBORNE, and also negatived. The bill, as amended, was then ordered to be engrossed and read a third time.

The amendments to the bill for the relief of Narcissus Broutin, were read, and concurred in by the House, and the bill was ordered to lie on the table.

The bill confirming the claim of Tobias Rheams to a tract of land, granted to him by the Spanish Government; and the bill for the relief of Daniel Burnett, Gibson Clark, and the legal representatives of Hubert Rowel, were ordered to be engrossed, and severally read a third time, on Monday next.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, made a report on the petition of David Gelston, on behalf of himself and Peter A. Schenck; which was read and ordered to lie on the table.

MONDAY, March 23.

The SPEAKER presented a petition of the Legislative Council, and House of Representatives, of the Territory of Alabama, praying to be invested with power to incorporate companies in said Territory, for the purpose of constructing turnpike roads, with exclusive privileges and right of toll.—Referred to the Committee appointed on Roads, Canals, and Seminaries of Learning.

The SPEAKER laid before the House a letter from the Governor of the State of Pennsylvania, enclosing a return of the election of THOMAS J. ROGERS, a Representative from that State, in the place of John Ross, resigned; which was referred to the Committee of Elections.

Mr. FORSYTH, from the Committee on Foreign Relations, who was instructed to inquire into the expediency of establishing a Consulate at Mogadore, in the Empire of Morocco, made a report thereon; which was read, and ordered to lie on the table.

Mr. LOWNDES, from the Committee of Ways and Means, to which were referred sundry petitions regarding duties paid to the United States, or claimed by them, on account of goods landed in the district of Castine, while it was in the possession of the British forces, and remaining there when its possession was restored to the Government of the United States; made a report thereon, which was read and ordered to lie on the table.

On motion of Mr. LITTLE, the Secretary of State was requested to lay before this House the

cause of delay in printing the register of all officers and agents, civil, military, and naval, in the service of the United States, in conformity with the several resolutions of Congress, approved April 29, 1816.

On motion of Mr. LITTLE, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of extending the privilege of franking to the Secretary of the Senate, and Clerk of the House of Representatives.

Mr. TAYLOR submitted the following resolution:

Resolved, &c., That after the close of each session of Congress, an alphabetical index of the acts and joint resolutions, passed at the preceding session, shall be prepared, printed, and distributed therewith, under the direction of the Secretary for the Department of State.

The resolution was read twice, and ordered to be engrossed, and read a third time to-morrow.

Engrossed bills of the following titles to wit: An act authorizing John Taylor to be placed on the list of navy pensioners; an act for the relief of John Bate; an act confirming the claim of Tobias Rheams to a tract of land granted to him by the Spanish Government; an act for the relief of Daniel Burnett, Gibson Clarke, and the legal representatives of Hubert Rowel; and an act to extend the privilege of franking, to vaccine agents of States and Territories; were severally read the third time, and passed.

An engrossed bill, entitled "An act confirming the claim of William Daniel, or his legal representatives, to a tract of land in the Mississippi Territory," was read the third time, and passed.

The House took up the bill for the relief of Narcissus Broutin, and others, and the same being further amended was ordered to be engrossed, and read a third time, to-morrow.

The House then went into a Committee of the Whole on the report of the Committee on Pensions and Revolutionary Claims unfavorable to the petition of Edmund Brooke; and after a good deal of discussion, in which Mr. BARBOUR of Virginia earnestly opposed the report, it was agreed to by the Committee of the Whole; which then rose and reported their agreement to the House, which report was concurred in, and the prayer of the petitioner rejected.

NEUTRAL RELATIONS.

The House then proceeded to the consideration of the amendments reported by the Committee of the Whole, to the bill in addition to the act "to punish certain crimes against the United States," and to repeal the acts therein mentioned.

The amendments were successively agreed to, with the exception of the following, which was reported by the Committee as a 14th section to the bill, to wit:

"SEC. 14. *And be it further enacted,* That in prosecutions either against persons or property, sailing under the flag of any colony, district, or people, which shall be admitted into the ports of the United States,

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it shall not be deemed a ground for the punishment or condemnation of such person or property, that the sovereignty of such colony, district, or people, has not been acknowledged by the United States: *Provided*, That the colony, district, or people, aforesaid, have an organized existing Government, claiming to be independent, at the time of the commission of the fact of which the persons are charged."

This amendment Mr. LOWNDES moved to amend by striking out the words "which shall be admitted into the ports of the United States," and to insert, in lieu thereof, "if such flag shall be directed to be admitted into the ports of the United States by instructions from the President of the United States to the several collectors of the customs, which instructions he is hereby authorized to issue."

This motion was negative, after considerable discussion; when

Mr. TUCKER moved to amend the section by striking out the words "which shall be admitted," and to insert, after "United States," the words "under the instructions of the President of the United States, to the several collectors of the customs."

Mr. LOWNDES then rose and moved that the bill and amendments be indefinitely postponed; which motion was decided in the negative—yeas 72, nays 79; as follows:

YEAS—Messrs. Abbott, Adams, Allen of Massachusetts, Allen of Vermont, Baldwin, Barbour of Virginia, Bayley, Beecher, Bennett, Boss, Clagett, Cobb, Crafts, Cushman, Darlington, Earle, Edwards, Ervin of South Carolina, Folger, Forsyth, Hall of Delaware, Hall of North Carolina, Hitchcock, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Huntington, Lowndes, McLane, W. P. Maclay, Mason of Massachusetts, Mason of Rhode Island, Mercer, Middleton, Morton, Moseley, Jeremiah Nelson, H. Nelson, Ogden, Parrott, Pawling, Pindall, Pitkin, Poindexter, Reed, Rhea, Rice, Richards, Ruggles, Schuyler, Sergeant, Sherwood, Silsbee, Simkins, Slocumb, Samuel Smith, Alexander Smyth, J. S. Smith, Stewart of North Carolina, Strong, Strother, Stuart of Maryland, Taylor, Terry, Townsend, Westerlo, Whitman, Williams of Connecticut, Williams of New York, Williams of North Carolina, and Wilson of Massachusetts.

NAYS—Messrs. Anderson of Pennsylvania, Anderson of Kentucky, Ball, Barber of Ohio, Bassett, Beltinger, Bloomfield, Blount, Boden, Burwell, Campbell, Claiborne, Comstock, Cook, Cruger, Culbreth, Desha, Ellicott, Floyd, Forney, Gage, Harrison, Hasbrouck, Hogg, Holmes of Massachusetts, Irving of New York, Johnson of Virginia, Johnson of Kentucky, Jones, Kinsey, Lawyer, Linn, Little, McCoy, Marchand, Marr, Merrill, Moore, Mumford, Murray, T. M. Nelson, New, Ogle, Owen, Palmer, Patterson, Peter, Pleasants, Porter, Rich, Ringgold, Robertson of Kentucky, Robertson of Louisiana, Sampson, Savage, Sawyer, Scudder, Settle, Seybert, Shaw, Bal. Smith, Southard, Speed, Spencer, Tallmadge, Tarr, Terrill, Tompkins, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Walker of Kentucky, Wallace, Wendover, White-side, Wilkin, and Wilson of Pennsylvania.

Mr. TUCKER's motion to amend the section was then agreed to; and

On motion of Mr. SMITH, of Maryland, the following proviso was added to the section: "*Provided*, That nothing herein contained shall be construed to affect the rights of citizens of the United States, who may prosecute in the courts of the United States for property taken from them on the high seas;" after which, the section, as amended, was agreed to.

Mr. TUCKER, of Virginia, moved to strike out the 10th and 11th sections of the bill, in the following words:

SEC. 10. *And be it further enacted*, That the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to the citizens thereof, shall enter into bond to the United States with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property, of any foreign Prince or State, or of any colony, district, or people, with whom the United States are at peace.

SEC. 11. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively authorized and required, to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war; when the number of men shipped on board or other circumstances shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or to commit hostilities upon the subjects, citizens, or property, of any foreign Prince or State, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act.

The question being divided, was first taken on striking out the tenth section, and decided in the negative—yeas 44, nays 95, as follows:

YEAS—Messrs. Anderson of Pennsylvania, Anderson of Kentucky, Bellinger, Campbell, Claiborne, Comstock, Cruger, Culbreth, Desha, Earle, Floyd, Folgar, Forney, Gage, Harrison, Herkimer, Johnson of Virginia, Johnson of Kentucky, Kinsey, Little, Marchand, Marr, Mumford, H. Nelson, T. M. Nelson, New, Ogle, Owen, Patterson, Poindexter, Porter, Quarles, Robertson of Louisiana, Sawyer, Settle, Shaw, Spencer, Tarr, Trimble, Tucker of Virginia, Tyler, Walker of Kentucky, Wallace, and Whiteside.

NAYS—Messrs. Abbott, Adams, Allen of Massachusetts, Allen of Vermont, Baldwin, Ball, Barbour of Virginia, Bassett, Bayley, Beecher, Bennett, Bloomfield, Boden, Boss, Burwell, Butler, Clagett, Cobb, Crafts, Cushman, Darlington, Edwards, Ellicott, Forsyth, Hale, Hall of Delaware, Hall of North Carolina, Hasbrouck, Hogg, Holmes of Connecticut, Hopkinson, Hunter, Huntington, Irving of New York, Kirtland, Lawyer, Linn, Livermore, Lowndes, McLane, W. P. Maclay, Mason of Massachusetts, Mason of Rhode Island, Mercer, Middleton, Moore, Moseley, Murray, Jeremiah Nelson, Ogden, Palmer, Parrott, Pawling, Peter, Pindall, Pitkin, Pleasants, Reed, Rhea, Rice, Rich, Richards, Ringgold, Robertson of Kentucky, Ruggles, Sampson, Schuyler, Scudder, Sergeant, Sey-

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bert, Slocumb, S. Smith, Ballard Smith, Alexander Smyth, Speed, Stewart of North Carolina, Strong, Strother, Stuart of Maryland, Taylor, Terrill, Terry, Tompkins, Townsend, Upham, Walker of North Carolina, Wendover, Westerlo, Whitman, Williams of Connecticut, Williams of New York, Williams of North Carolina, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

The question was then taken on striking out the 11th section; and also determined in the negative.

The question was then taken, Shall the said bill be engrossed and read a third time? and passed in the affirmative—yeas 95, nays 51, as follows:

YEAS—Messrs. Abbott, Anderson of Pennsylvania, Anderson of Kentucky, Ball, Barbour of Virginia, Barber of Ohio, Bassett, Beecher, Bellingier, Bloomfield, Boden, Burwell, Campbell, Claiborne, Cook, Crafts, Cruger, Culbreth, Desha, Edwards, Ellicott, Floyd, Forney, Forsyth, Hale, Hall of North Carolina, Harrison, Hasbrouck, Herkimer, Hitchcock, Hogg, Holmes of Massachusetts, Hubbard, Irving of New York, Johnson of Virginia, Jones, Kinsey, Kirtland, Lawyer, Linn, Little, Livermore, McCoy, Marchand, Marr, Merrill, Moore, Mumford, Murray, H. Nelson, T. M. Nelson, New, Ogle, Owen, Palmer, Parrott, Patterson, Peter, Pleasants, Poindexter, Porter, Quarles, Rich, Ringgold, Robertson of Kentucky, Robertson of Louisiana, Sampson, Sawyer, Scudder, Settle, Seybart, Shaw, Silsbee, S. Smith, Ballard Smith, Speed, Spencer, Strother, Tallmadge, Tarr, Taylor, Terrill, Tompkins, Townsend, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Walker of Kentucky, Wallace, Wendover, Whiteside, Wilkin, and Wilson of Pennsylvania.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Baldwin, Bayley, Bennett, Boss, Clagett, Cobb, Cushman, Darlington, Earle, Folger, Gage, Hall of Delaware, Holmes of Connecticut, Hopkinson, Hunter, Huntington, Lowndes, McLane, W. P. Maclay, Mason of Massachusetts, Mason of Rhode Island, Mercer, Middleton, Moseley, Jeremiah Nelson, Ogden, Pawling, Pindall, Pitkin, Reed, Rhea, Rice, Richards, Ruggles, Schuyler, Sergeant, Slocumb, Alexander Smyth, Stewart of North Carolina, Strong, Stuart of Maryland, Terry, Westerlo, Whitman, Williams of Connecticut, Williams of New York, Williams of North Carolina, and Wilson of Massachusetts.

The bill was then ordered to be read a third time, on Wednesday next.

TUESDAY, March 24.

Another member, to wit: from Pennsylvania, THOMAS J. ROGERS, elected to supply the vacancy occasioned by the resignation of John Ross, appeared, produced his credentials, was qualified, and took his seat.

The SPEAKER presented a petition of John Anderson, praying that the bills which have been reported at this session for his relief, may be taken up and finally disposed of, with as little delay as possible.—Laid on the table.

Mr. LITTLE, from the Committee of Accounts, who were instructed by resolution to inquire into the causes of delay, in laying on the tables of the

members of this House, the Message of the President of the United States, of the 14th instant, with its accompanying documents, made a report thereon, which was read and ordered to lie on the table.

Mr. WILLIAMS, from the Committee of Claims, made a report on the petition of Adam Kinsey and Thomas French, which was read; when, Mr. W. reported a bill for the relief of the said Adam Kinsey and Thomas French, which was read twice, and committed to a Committee of the Whole.

Mr. HUGH NELSON, from the Committee on the Judiciary, reported a bill concerning the Territory of Alabama, which was read twice, and ordered to be engrossed and read a third time, on Saturday next.

Mr. PLEASANTS, from the Committee on Naval Affairs, made a report on the petition of Jarius Loomis, and James Bassett, sailing-masters in the Navy of the United States, and commanding gun vessels, Nos. 149 and 154, which was read; when, Mr. P. reported a bill authorizing the payment of a sum of money to the officers and crews of gunboats Nos. 149 and 154, which was read twice, and committed to a Committee of the Whole.

Mr. PLEASANTS also reported a bill concerning the heirs and legatees of Thomas Turner, deceased, which was read twice, and committed to a Committee of the Whole.

Mr. TAYLOR, from the select committee appointed on the subject, reported a bill fixing the time for the next meeting of Congress, which was read twice, and the further consideration thereof postponed until Tuesday, the 31st instant.

The SPEAKER laid before the House, a report of the Secretary of the Navy, on the petitions of Samuel Cheney and Robert Ramsey, which was read and ordered to lie on the table.

The SPEAKER also laid before the House, a letter from Richard Bland Lee, Commissioner of Claims, transmitting reports of the facts in fifty-six cases, all from the State of New York, with the evidence accompanying each, taken under a second commission, attended by a special agent on the part of the United States.—Referred to the Committee of Claims.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act authorizing a subscription for the eleventh volume of State Papers; and an act regulating the pay and emoluments of brevet officers; in which bills they ask the concurrence of this House.

The said bills were respectively, read the first time.

On motion of Mr. SCOTT,
Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting or securing to the town of St. Louis, in the Missouri Territory, as a common, all the sand bar or batture, formed by the recession of the Mississippi river, between the said town and low water mark; and to prohibit the location of any floating claim in the said Territory,

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thereon, or if any location should have been made, to prohibit by law the issuing of a patent therefor.

Resolved, also, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting by law the location of any floating claim, on any lands in the Territory of Missouri, the right of pre-emption to which land has been secured to any settler, by the act of the 12th of April, 1814, or if any such location should have been made, to prohibit by law, the issuing a patent therefor.

Resolved, also, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting by law the location of any floating claim, in the Territory of Missouri, on any lands, the right, title, or claim to which, has been at any time heretofore given notice of, or filed with either of the Boards of Commissioners in said Territory, or with the recorder of land titles, acting as such under any law of Congress, for the adjustment of land titles in said Territory, or, if any such location should have been made, to prohibit by law the issuing of patents therefor.

Resolved, also, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting by law the location of any floating claim in the Territory of Missouri, on any town lot, village lot, out lot, common field lot, or common, in, adjoining, or appertaining to any of the towns or villages in the Territory of Missouri, or if any such location shall have been made to prohibit by law the issuing of patents therefor.

An engrossed bill, entitled "An act for the relief of Narcissus Broutin, and others," was read the third time, and passed.

An engrossed resolution "directing the Secretary for the Department of State to prepare an index to the acts and resolutions of Congress, after the close of every session," was read the third time, and passed.

REMISSION OF DUTIES.

Mr. McLANE, from the Committee of Commerce and Manufactures, made a report on the petition of Oliver H. Hicks, and Lockwood de Forest, which was read, and the resolution therein contained was concurred in by the House. The report is as follows:

The petitioners state, that on the 8th of June, 1816, they imported into the district of New York, in the schooner Eliza, from Berbice, thirty-nine tierces and one barrel of coffee; that, immediately upon landing it, the wharf being crowded, it was removed into the store of the petitioners; that, some time afterwards, they sold it by samples taken from a number of the casks, and on the 8th August following commenced delivering it to the purchaser. It was then discovered that eighteen of the casks were damaged, and, upon an application to the collector for an appraisement, and deduction of the duties, he had no power to act, the time allowed by law having expired. The petitioners then had it examined by the wardens of the port, and appraised by four merchants, and they pray Congress to pass an act authorizing a deduction of the duties in proportion to the damage.

The act of Congress authorizing a deduction of duties on damaged goods provides that no such allowance for the damage on goods that have been entered, and on which the duties have been paid or secured, and for which permit has been granted, and which on an examination prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom-house within ten days after landing such merchandise.

In this case the coffee had been entered, the duties secured, permit granted, and the merchandise actually in the possession of the owners, and under their observation, two months before any damage was alleged; and the case is therefore, within both the letter and spirit of the law.

Although it may be proper for Congress to grant relief in cases coming within the letter of the law, though not within its spirit, it would be a dangerous precedent to relieve in a case coming clearly within the mischief designed to be guarded against, and that too by the act of the owner.

The act of Congress is intended to guard against all the means of fraud, and has allowed the owner ten days for the discovery of the damage, presuming it necessary for the safety of the revenue that a longer time should not be afforded.

In this case, the owners took the merchandise from the wharf at their own risk; if they neglected to examine it sooner, it is their own fault, and there is no reason shown to the committee why a greater indulgence should be given than is allowed in ordinary cases.

It does, however, appear that this coffee did not altogether escape the observation of the petitioners; they actually sold it by samples; and though it so happened that the samples were all taken from the sound casks, it is not an accident for which the Government should be liable. The committee, therefore, recommend the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

NATIONAL FLAG.

The House then resolved itself into a Committee of the Whole on the bill to alter the flag of the United States [providing that from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the Union be twenty stars, white in a blue field; and that, on the admission of every new State into the Union, one star be added to the Union of the flag, and that such addition shall take effect on the fourth day of July then next succeeding such admission.]

Mr. WENDOVER rose. In complying with a duty incumbent on me, said Mr. W., as resulting from a proposition I had the honor to submit to the House, for altering in part the flag of the United States, I feel no disposition to consume much of the time of the Committee, or to indulge in the many observations which the nature of the subject might appear to justify. But I ask the patience of the Committee while I state a few of the considerations which present themselves in favor of the bill now on your table.

Sir, the importance attached to a national flag, both in its literal and figurative use, is so universal, and of such ancient origin, that we seldom

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inquire into the meaning of their various figures, as adopted by other nations, and are in some danger of forgetting the symbolical application of those composing that of our own.

Were we now about to devise suitable emblems for a national flag, I doubt not we should see much diversity of sentiment; and perhaps some efforts for local gratification; but I presume we should unite in some general and appropriate figures, referring not to sectional but national objects. But on this subject we need not differ. Suitable symbols were devised by those who laid the foundation of the Republic; and I hope their children will ever feel themselves in honor precluded from changing these, except so far as necessity may dictate, and with a direct view of expressing by them their original design.

Mr. Chairman, I am not particularly informed as to the origin of our flag; but have repeatedly heard it was first used by a citizen of Philadelphia, on his own vessel, and afterwards adopted by the Congress of the Revolution, as appropriate to and emblematical of these confederated States, contending for the rights of man, and the rich boon of an independent Government. At its adoption our flag was founded on a representative principle, and in the arrangement of its parts made applicable to the number of the States then united against the common foe.

The same representative principle was retained and applied when the flag was altered; but experience having shown that a similar extension of numbers throughout, the flag would now be improper and inconvenient. It is worthy the attention of the National Legislature again to consider the subject, and see if it be practicable to retain in it the object contemplated by its founders, as pointing to the component parts of the nation, without losing sight of the original formation of this Government as a free republic.

Sir, the flag of the United States having undergone some change, and in its present state being altogether inappropriate, we are called upon to determine whether a further change be not advisable, and, if it be, what alteration will be most proper, and best to apply to the present and relative state of the nation, consistent with the representative character of the flag. If you do not alter it, you do injustice to the States admitted into the Union since the former alteration; and if you alter in the way as before, you will destroy the conspicuity of your flag, and render it too indistinct to be known at a distance, and increase the inconvenience already experienced.

At the present day, and particularly since the commencement of the late war, there are few vessels, however small, if they carry a mast, but are furnished with a flag of some description; and it is well known to gentlemen living on the seaboard, and others, that it is impracticable for small vessels to conform even to the present law; and the law itself does not correspond with the existing or original facts.

The flag of the United States was altered by law, from thirteen to fifteen stripes and stars, on the first of May, 1795, to apply to the admission

of Vermont and Kentucky into the Union. On the first of June, 1796, Tennessee was admitted. Thus the alteration was applicable to the fact on which it was predicated, for the short space of one year and one month. On the 19th of February, 1803, Ohio was admitted, Louisiana on the 30th of April, 1812. Indiana was admitted at the last session of Congress, and Mississippi at the present session, and you now have on your table a bill for the admission of another State. Calculating on such a result caused many to regret the former alteration; and no doubt the same reason operated in the House of Representatives when the bill passed, and will account for the small majority of eight by which it succeeded.

I presume none will now advocate the propriety of continuing the fifteen stripes as at present; that number was founded on a mere contingency, which has since repeatedly happened, and will frequently occur; whereas the number proposed by the bill refers to our national origin, and is equally interesting to all.

Sir, it cannot be deemed proper to go on and increase the stripes in your flag. There are now twenty States; what number they will ultimately extend to none can conjecture. For my own part, I doubt not there will in time be accessions from the East, from the North, from the West, and from the South. Sir, I am not now speaking of conquest. I am willing every people should "manage their own affairs in their own way." But I can no more believe that any portion of the earth will remain in perpetual thralldom, and be forever tributary to a foreign Power, than I can subscribe to the doctrine of a ceaseless succession of legitimate kings.

Sir, it cannot be deemed desirable, under the existing state of things, in relation to the stripes and stars in the flag, to retain it in its present situation; it is not only inapplicable, but both parts refer to the same thing, and the one is a duplicate of the other; but the alteration proposed will direct the view to two striking facts in our national history, and teach the world an important reality, that republican government is not only practicable, but that it is also progressive.

Is it desirable to produce greater uniformity? Most undoubtedly it is. In the navy the law is generally conformed to, but it is well known that uniformity does not elsewhere exist. If evidence were wanting, among other and numerous instances, I would refer you to the flag at this moment waving over the heads of the Representatives of the nation, and two others in sight, equally the flags of the Government: while the law directs that the flag shall contain fifteen, that on the Hall of Congress, whence laws emanate, has but thirteen, and those at the Navy Yard and Marine Barracks have each at least eighteen stripes. Nor can I omit to mention the flag under which the last Congress sat during its first session, which, from some cause or other unknown to me, had but nine stripes. But even that flag, with all its defects, was entitled to much honor, for it was not only *striped*, but, to use another British cant, it was "*Ragged Bunt-*

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ing" and was the first flag hoisted on the Hall of Congress, after the proverbial "*Bulwark of Religion*" had here, in this city, shown its anxious solicitude to promote the useful arts.

Sir, I consider the plan proposed as in unison with the original design; it points to the States as they commenced and as they now are, and will, with an inconsiderable addition, direct the mind to a future state of things. The necessary alteration, either now or hereafter, can be made by almost any person, at any place and at any time; and the proposition, if adopted, will in future save the expense of legislating on the subject.

The committee who reported this bill deemed it advisable to direct that the stripes be horizontal; this is now the form in use; but it results from example, and not from the act, and would be equally conformable to law, if the stripes were arranged in a perpendicular direction. There is, indeed, one exception in practice. Under the laws for the collection of impost and tonnage, the Executive has directed that the cutters and boats employed in this service shall carry ensigns and pennants, with perpendicular stripes, and other marks of distinction; but this being alterable at the pleasure of the President, forms no objection to the proposition in the bill; and it is obviously proper to define the form in this particular, when it is considered that in this only has been the distinction between the flags of two different nations, and was recently the case as regarded those of France and Holland.

As to the particular disposition of the stars in the union of the flag, the committee were of opinion that might be left at the discretion of persons more immediately concerned; either to arrange them in the form of one great luminary, or in the words of the original resolution of 1777, "representing a new constellation."

Mr. Chairman, in viewing this subject, there appears to be a happy coincidence of circumstances, in having adopted the symbols in your flag, and a peculiar fitness of things, in making the proposed alteration. In that part designed at a distance to characterize your country, and which ought, for the information of other nations, to appear conspicuous and remain permanent, you present the number of the stars that burst the bands of oppression, and achieved your independence; while in the part intended for a nearer, or home view, you see a representation of your happy Union as it now exists, and space sufficient to embrace the symbols of those who may hereafter join under your banners.

Sir, could I be so fortunate as to escape the charge of mistaking fancy for fact, and be permitted, on this figurative subject, to draw a parallel, I should attempt to show that, in another point of view there is a propriety and an aptness in having adopted and in now restoring the thirteen stripes. Sir, you have recently been at war with a powerful nation; that war, from its declaration to its final termination, continued precisely three years. In that war, though your arms were generally victorious, yet in a more

signal manner, in the first year, you beat the enemy on the ocean; in the second year, on the lakes; and in the third year, on the land. Thus, then, by triplication, indicated by the time *three years*, or by the fact of conquest over the *three* descriptions of force arrayed against you, and viewing your flag as of right composed of thirteen stripes, you have but executed the authority vested in the Israelites of old in cases of controversy, and beaten the enemy with *forty stripes, save one*.

Sir, the proposition before you is predicated on the fact already stated, that your flag has been altered. Were it not so, I presume it would not now be changed; it is at present inapplicable to original or existing facts; let it now be made to refer to both. Where is the American who feels not a becoming pride and gratitude in retrospecting to the days of the Revolution; when the blood of our fathers profusely flowed, to procure for us a rich inheritance? In their memory, and to their honor, let us restore substantially the flag under which they conquered, and at the same time engraft into its figure the after-fruits of their toil.

Mr. Chairman, I hope this bill will pass, and wish it to pass with much unanimity; not only because I believe it will meet the public approbation, and be best calculated to give sufficient permanency to the form of your flag, but because there yet remains a few, and, indeed, but few, who first nerved their arm to raise this banner of freedom, and nobly defended it, through carnage and blood, to victory and to peace. With hoary locks and tottering frame they have been preserved to see it acquire a renown which I trust will never fade; and have lived to witness in their sons that heroic spirit, which assures them that their privations and their arduous struggle in defence of liberty have not been in vain.

Sir, I believe it is now the time to legislate on this subject; your flag now stands pre-eminently high in the estimation of other nations, and it is justly the pride of your own. And although, for a moment, your flag was veiled at Detroit, and left to droop at Castine; and although (if I may so express it) it was made to weep at Washington, it has not lost its lustre—it remains unsullied. No disgrace has attached to your "star-spangled banner." It has been the signal of victory on the land, of successful valor on the lakes, and waved triumphantly on the ocean. And even on those who predicted that in "nine months the striped bunting would be swept from the ocean," it possessed the wonderful charm, that before the nine months had elapsed, "fir-built frigates" and "Yankee cock-boats" were magnified into "ships-of-the-line;" and His Majesty's faithful officers, careful for the preservation of *British Oak*, sought protection for their frigates under the convoy of seventy-four-gun ships.

Sir, this subject has for some time been before the public; it has been examined and approved by many gentlemen of rank and experience in the Navy and Army of the United States; it meets the approbation of the gentlemen at the

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head of these departments; and, as far as I am informed, that of the public generally; and I presume none will doubt the propriety of endeavoring to produce greater uniformity in the use of the flag, as well as to give it a more significant application than it now has.

But, sir, whatever be the fate of this bill, I hope the time is not distant when you will give to your flag its deserved honor, as the guardian of your citizens; when your hardy seamen shall no longer be doomed to the degradation to ask for, nor you to give them, *paper protections*; but, when they shall point aloft to the flag of their country, and say, "This is the protection of freemen; under this we desire peacefully to traverse the ocean and sail to every clime. But perish the arm that shall attempt to seize upon our persons; and wo to the nation that shall dare to infringe our country's rights!" And whenever called to the contest by the voice of their country, may they rally round the "star-spangled banner," and emphatically exclaim—

"High-waving, unsullied, unstruck, proudly showeth,
What each friend, and each foe, and each neutral
well knoweth;

That her path is ethereal, high she aspires,
Her stripes aloft streaming, like boreal fires."
Joined with Stars, "They astonish, dismay, or delight,

As the foe, or the friend, may encounter the sight."

Mr. Chairman, I shall add no more. The subject is plain and well understood; and though not of a character to be classed with those of the highest national importance, is still proper to be acted on, and worthy the attention of the Representatives of a people whose flag will never be insulted for want of protectors, and which, I hope and believe, will never be struck to an inferior or equal force.

Mr. POINDEXTER moved to amend the bill by reducing the number of stars to seven, the number of States added to the Union since the declaration of Independence, leaving the number of stripes as the bill proposed; so that the stars might represent the number of new States, and the stripes answer to the number of the original thirteen States; which motion Mr. P. advocated by several arguments.

Mr. SMITH, of Maryland, made a few remarks in opposition to this motion; to whom

Mr. ROBERTSON, of Louisiana, replied, and supported the motion of Mr. POINDEXTER against the proposition contained in the bill.

Mr. POINDEXTER's motion was lost without a division, and the Committee rose and reported the bill to the House without amendment.

Mr. P. then renewed his motion without success; when

Mr. FOLGER moved to strike out the second section of the bill, providing for the additional star for every new State, and to amend the first section by fixing the number of stars at thirteen instead of twenty.

This motion was negatived, and the bill was ordered to be engrossed for a third reading.

SPANISH AMERICAN PROVINCES.

The House went into Committee of the Whole on the appropriation bill; the clause appropriating thirty thousand dollars for compensation to the Commissioners, sent to South America by the Executive in December last, under consideration.

Mr. CLAY wished to know if this appropriation was to defray the expenses of the commission lately sent to South America; if so, he would ask of the chairmen of the Committee of Ways and Means and the Committee of Foreign Relations, whether those Commissioners were furnished with credentials, and if their appointment had been confirmed by the Senate; also, to what ports of South America they were sent, and the probable duration of the commission; and, also, if it would not be looking too much into its objects, he would be glad to know what those objects were.

Mr. LOWNDES said, that although he had not all the information required by the Speaker, yet, he was possessed of something on the subject more than newspaper intelligence. It must be recollected that the objects of the Committee of Ways and Means were confined merely to the financial department; they had, however, some information on this subject, received in reply to some inquiries that the committee had, in the performance of their duties, addressed to the Department of State, which would answer the Speaker's inquiry as to the credentials and the probable duration of the commission. The other points did not come within the objects belonging to the Committee of Ways and Means.

The papers referred to by Mr. L. were handed up by him, and read as follows:

DEPARTMENT OF STATE, March 2, 1818.

SIR: I have the honor to enclose a copy of the commission from this Department with which Messrs. Rodney, Graham, and Bland, were furnished by direction of the President. They have, as you will perceive, no distinct diplomatic rank. They are expected to be absent seven or eight months; and the compensation allowed them by the President is \$6,000 each, and \$2,000 to their Secretary. Their expenses on the voyage, until their return, except while on shore in South America, are likewise allowed; and Messrs. Rodney and Graham having been appointed in June last, and prepared to go, but by various accidents detained until the beginning of December, when they sailed, claim on that account a further allowance. If, after their arrival at Buenos Ayres, they find it advisable that one or more of them should remain on that continent, and go to Chili, that measure is within their discretionary powers. As this contingency was, however, not expected as probable; and, if it should occur, it was not foreseen to what extent of time it might go, no specific allowance was fixed upon for it. Under these circumstances, it was anticipated that the sum of thirty thousand dollars would not more than suffice to cover the expenses of the mission.

I am, with great respect, sir, your very humble and obedient servant,

JOHN Q. ADAMS.

W. LOWNDES, Esq., Chairman, &c.

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To all who shall see these presents :

Be it Known, Caesar Augustus Rodney, John Graham, and Theodorick Bland, three distinguished citizens of the United States, and enjoying, in a high degree, the confidence and esteem of the President, are about to visit, in a national ship, on just and friendly objects, and at the special desire of the President, divers places and countries in South America.

These are therefore to request that, whithersoever they may go, they, with their suite, may be received and treated in a manner due to the confidence reposed in them, and each of them, as aforesaid, by the President of the United States, and to their own merit.

Given under my hand, and the seal of the Department of State, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN Q. ADAMS,
Secretary of State.

Mr. CLAY rose, not, he said, to make any objection to the three respectable citizens for whom this appropriation was intended—that was not his object; but to enter his protest to this kind of appropriation by Congress. As to the object of the commission, he thought it of very little use for the expenditure of public money; he referred to the views avowed, and the directions to touch at Buenos Ayres, &c., and said, if the object of the commission was to acquire information of the actual state of affairs in the Southern provinces, it was the most unfortunate mode that could have been adopted for that purpose. What, asked Mr. C., was this mode? Three distinguished citizens are selected, their appointment and intentions are announced by the newspapers, months before their departure, then declared by the President himself, and made known to the whole world, and they depart with all the paraphernalia of public Ministers; information of their object precedes them wherever they go. As soon as they arrive at a South American port they are surrounded by all the factions in the country; royalists, if there were any, as well as republicans; who strive to prejudice them in favor of their respective interests, to mislead their judgments and prevent the getting correct information of the real condition of things. Mr. C. described the extent of the interior provinces of Buenos Ayres, to show that the time allowed to the Commissioners (if they were acquainted with the language, manners, and habits, of the country) was inadequate to enable them to make any material addition to our stock of information; but, even if they could, were they to range the whole continent, and visit even the armies, whether successful or not, of the different parties, still, their object being known, they would everywhere be liable to the same deception and imposition. Correct information they would not obtain. The proper course to have adopted, Mr. C. said, was to despatch an individual unknown to all parties; some intelligent, keen, silent, and observing man, of pleasing address and insinuating manners, who, concealing the object of his visit, would see and hear everything, and report it faithfully.

But it was not to the object of the appropriation,

boldly as the mission had been devised, that Mr. C. rose to object; it was the Constitutional point it involved that made it obnoxious; and he read the clause of the Constitution which requires the consent and concurrence of the Senate to all appointments not specifically provided for by law, to show that these Commissioners should have been nominated to that body—taking it for granted, that they had not been submitted to the Senate. The President had not only made these appointments without the authority of the Constitution, or of any law recognising them, but in derogation from a positive act of Congress. There was an act of Congress fixing the grade of the only Ministers we sent abroad, and it provided for two cases only, that of Minister Plenipotentiary and that of *Chargé des Affaires*. To the first it assigned a salary of \$9,000, to the last a salary of \$4,500. Here were Commissioners, then, sent with a salary fixed by the sole authority of the President, and not conformable to that prescribed by the law in either of the two grades. If he might assign \$6,000, what was there to prevent his allowance of 50,000? It might be said in that case this House would afford a remedy; but gentlemen would perceive how difficult it would be, to withhold from an agent an appropriation, which had been promised and pledged by the Executive. There was a contingent fund of \$50,000 allowed to the President by law, which he was authorized to expend without rendering to Congress any account of it—it was confided to his discretion, and, if the compensation of the Commissioners had been made from that fund, Mr. C. said, it would not have been a proper subject for inquiry; but, under present circumstances, in opposition to the Constitution, he could not be going too far, in giving at least his protest to this appropriation. It was not his intention to make any motion on the subject, and he made none.

Mr. FORSYTH said, the Constitution vests the Executive with the powers to make appointments in the recess of the Senate. Whether these were such as required the confirmation of the Senate, had been or would be submitted for that purpose, to that body, he did not know, nor was it necessary to inquire. He presumed what ought to be done would be done, and he was disposed to leave the subject to the Executive and to the Senate, to whom it more properly belonged. If the idea of the Speaker was correct, and these were officers requiring a nomination to, and the appropriation of the Senate, yet, as they were appointed in the recess, no Constitutional wrong had been done in their appointment. But the Speaker had objected to this commission because it was useless, if it was information they went for. Was it not proper and necessary, Mr. F. asked, for the Government to have information of the state of the South American provinces—of their actual political condition, their prospects of success, &c.? If so, this information could be obtained only in two ways—by the newspapers, or by agents sent out for the purpose. The vague and uncertain reports given in the newspapers could not be relied

on, and the President had thought proper to send intelligent agents to obtain the knowledge desired. It was probable that a private man might have obtained this information better; but there was another point to be considered—the importance of this information to the Government was such, that it would be necessary that this individual should be an American, and the kind of information to be acquired might have subjected him to the fate of other Americans in the Spanish provinces; he might have been thrown into a dungeon. The opposite party might adopt this course to prevent his communicating the information he should have acquired. This had been done; American citizens had been thrown into dungeons. In whatever aspect this subject was viewed, Mr. F. could see no impropriety in voting this appropriation. It was true the President might have taken it out of the secret service fund, and no inquiry would have been made about it; but, in order to meet all the expenses of the mission, it might have been necessary to ask a further appropriation for this fund, and then the inquiry would have been made, for what it was wanted. The present course, he thought, was more honorable and fair. It would have been necessary nearly to double the ordinary contingent fund, and it would have been a conclusive objection to the appropriation, that Congress was ignorant of the object to which it was to be applied. Would the House have been willing to vote an addition to the secret service fund, for what might have been considered the employment of spies throughout the world? This objection to such an appropriation, he believed, would have been made with effect; and it was much better for the Executive to proceed in the present open and frank manner. Mr. F. took occasion, in reply to an allusion of Mr. CLAY, to say, that it was true he did not find fault with the Executive quite as often as the honorable Speaker had latterly done, but still he was not the defender of all Executive measures. The Committee would do him the justice to recollect that he sometimes differed from the Executive, and never failed to censure what he believed censurable.

Mr. CLAY said, in reply, that Mr. FORSYTH had not controverted the objection that these appointments had not been submitted to the Senate. But these agents were to be provided for, either in the quality of Ministers or *Chargés des Affaires*; and, considered in either capacity, the House was called on to make a larger appropriation than was authorized by law for officers of that character. As to a private agent being liable to the fate mentioned by Mr. FORSYTH, what, he asked, were the immunities of the present Commissioners? Nothing more, he said, than those of a private man. It had even been decided, in the affair of the Russian Consul at Philadelphia, that Consul Generals were not entitled to the immunities of Ministers. But, could not the President have given the same commission to one man, sent privately to obtain information, as to those three Commissioners, and with the same effect and

validity? As to the object of the commission, Mr. C. again asked, how these gentlemen were to acquire this information respecting the independence of the South American provinces? The fact of their independence was not to be established by a *dedimus potestatum* sent out to take depositions. The independence of some of these States was matter of history—was too notorious to require the evidence of those Commissioners. And Mr. C. referred to the condition of some of the South American States, on which the knowledge was complete, and contended that they had been sent to parts, with regard to which (Venezuela and Buenos Ayres, for example) our information was most perfect, and were not to visit all those parts (Mexico and New Grenada) from which we most wanted it. Mr. C. again adverted to the manner in which the Commissioners had been appointed, which being done not according to law, was the more improper, as they had not sailed till after the meeting of Congress, when it would have been scarcely any detention to have waited the concurrence of the Senate, which was in session when they departed.

Mr. HOPKINSON observed, that he did not rise to express any opinion upon the object or utility of the mission in question—he was willing to agree in both; but he desired to express distinctly his dissent to the appropriation, because he believed the appointment of these Commissioners was of a kind, under the provision and spirit of our Constitution, to require the approbation and assent of the Senate, and because he had no reason to believe such assent had ever been given by the Senate, or asked by the Executive. He thought it more important for us, as the Representatives of the American people, to attend to and guard our own Constitution, than to send abroad to inquire into the form of government of other people. Mr. H. said, that being up, he would take occasion to say that he saw little or no difference between sending a Minister without consulting the Senate, in a case when their assent is admitted to be necessary, and sending him just on the eve of the meeting of that body, without any known urgency, and afterwards submitting the appointment to the Senate. Nobody can believe the Senate can exercise that free and unembarrassed judgment upon the nomination which the Constitution intended they should have, after the Minister had actually embarked and sailed for his destination, with his outfit and other expenses of the mission.

On the suggestion of Mr. LOWNDES this appropriation was passed by for the present, that in the meantime the additional information which had been asked for by the Speaker might be obtained from the Department of State.

Mr. CLAY rose, and moved to insert in the bill a provision to appropriate the sum of eighteen thousand dollars as the outfit and one year's salary of a Minister to be deputed from the United States to the independent provinces of the River Plata, in South America.

This proposition Mr. C. followed up by entering into a discussion of the question, involved in

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his motion, of a formal recognition of the independence of the South American States mentioned. He had spoken something more than an hour, when (having given way for a motion to that effect) the Committee rose, about half-past four o'clock, and the House adjourned.

—WEDNESDAY, March 25.

On motion of Mr. MARR, the Committee on the Public Lands were instructed to inquire whether any, and, if any, what further provisions of law are necessary for preventing waste and trespass on that portion of the public lands which have been, or may hereafter be, reserved for the use of schools.

The bill from the Senate, entitled "An act regulating the pay and emoluments of brevet rank," was read the second time and referred to the Committee on Military Affairs.

The bill from the Senate, entitled "An act authorizing a subscription for the 11th volume of State Papers," was read the second time and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: "An act respecting the district courts of the United States within the State of New York," and "An act to alter the time of holding the circuit court in the southern district of New York, and for other purposes," with amendments to each; in which they ask the concurrence of this House.

The amendments to each of the said bills were read, and severally referred to the Committee on the Judiciary.

An engrossed bill, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," was read the third time, and passed.

An engrossed bill to alter the flag of the United States was read the third time, and passed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act regulating the pay and emoluments of brevet rank," reported the same without amendment, and the bill was committed to the Committee of the Whole, to which is committed the bill of this House to repeal so much of an act as allows pay and emoluments to brevet rank.

Mr. JOHNSON, from the same committee, also reported the bill from the Senate, entitled "An act for the relief of Ashael Clark," without amendment, and the bill was committed to the Committee of the Whole, to which is committed the bill for the relief of Birdsall & Foster.

DISTRIBUTION OF PUBLIC DOCUMENTS.

On motion of Mr. SPENCER, the House took up and proceeded to consider the resolution submitted by him on the 19th instant, providing for the distribution of the documents printed by order of the House, and agreed thereto, amended to read as follows:

Resolved, That unless otherwise specially directed by the House, 600 copies shall be struck, of all such matter as may be directed to be printed, except bills and amendments.

That the said 600 copies shall be disposed of, and distributed in the following manner, to wit:

Two hundred copies shall be retained in the printing office, and, at the close of each session, be disposed of and distributed, conformably with the provisions of the resolution of the 27th December, 1813.

The remaining four hundred copies shall be deposited by the printer, in the post office of the House, from time to time as the work may be executed, pursuant to his contract, and shall be promptly distributed by the Doorkeeper of the House, as follows, to wit:

| | |
|--|------------|
| On the desk of each member and delegate, one copy | 187 |
| On the Speaker's table | 2 |
| On the Clerk's table | 2 |
| In the Clerk's office | 4 |
| To the President of the Senate, for the use of the Senate | 50 |
| To the President of the United States | 5 |
| To the Secretary of State | 25 |
| To the Secretary of the Treasury | 6 |
| To the Secretary of War | 5 |
| To the Secretary of the Navy | 5 |
| To the Attorney General | 5 |
| To the Commissioners of the Navy Board | 5 |
| To the Auditors of the Treasury, 5 copies each | 25 |
| To the Comptroller of the Treasury | 5 |
| To the Register of the Treasury | 5 |
| To the Postmaster General | 5 |
| To the Commissioner of the General Land Office | 5 |
| To the Commissioner of the Revenue | 5 |
| To the Commissioner of Public Buildings | 1 |
| To such foreign Ministers as reside at the Seat of Government, or Consuls, in case of no resident Minister, 2 each, supposed to amount to nine | 18 |
| To the Public Printer | 1 |
| To the Librarian | 2 |
| The residue to be bound up, at the end of the session to be deposited in the Clerk's office as heretofore | 27 |
| | 600 |

EXECUTIVE PAPERS.

Several Messages were received from the PRESIDENT OF THE UNITED STATES. The first of the said Messages was read, and is as follows:

WASHINGTON, March 24, 1818.

In pursuance of a resolution of the House of Representatives of the 7th instant, I now transmit the report of the Secretary of State, with a statement of the expenses incurred under the 4th, 5th, 6th, and 7th articles of the Treaty of Ghent, specifying the items of expenditure in relation to each.

JAMES MONROE.

The second of the said Messages was read, and is as follows:

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 5th of December last, I now transmit a report of the Secretary of State, with a copy of the documents which it is thought proper to

communicate, relating to the independence and political condition of the provinces of Spanish America.

JAMES MONROE.

WASHINGTON, *March 25, 1818.*

The report of the Secretary of State is as follows:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 15th of December, has the honor of submitting the documents herewith transmitted, as containing the information possessed at his department, requested by that resolution.

In the communications received from Don Manuel H. de Aguirre, there are references to certain conferences between him and the Secretary of State, which appear to require some explanation.

The character in which Mr. Aguirre presented himself was that of a public agent from the Government of La Plata, and of private agent of that of Chili—his commissions from both simply qualified him as agent; but his letter from the Supreme Director Pueyrredon, to the President of the United States, requested that he might be received with the consideration due to his *diplomatic* character. He had no commission as a public Minister of any rank, nor any full power to negotiate as such. Neither the letter, of which he was the bearer, nor he himself, at his first interviews with the Secretary of State, suggested that he was authorized to ask the acknowledgment of his Government as independent—a circumstance which derived additional weight from the fact, that his predecessor, Don Martin Thompson, had been dismissed by the Director Pueyrredon for having transcended his powers, of which the letter brought by Mr. Aguirre gave notice to the President.

It was some time after the commencement of the session of Congress that he made this demand, as will be seen by the dates of his written communications to the Department. In the conferences held with him on that subject, among other questions which it naturally suggested, were those of the manner in which the acknowledgment of his Government, should it be deemed advisable, might be made? and what were the territories which he considered as forming the State or nation to be recognised? It was observed, that the manner in which the United States had been acknowledged as an independent Power by France, was, by a treaty concluded with them, as an existing independent Power, and in which each one of the States, then composing the Union, was distinctly named; that something of the same kind seemed to be necessary in the first acknowledgment of a new Government, that some definite idea might be formed, not of the precise boundaries, but of the general extent of the country thus recognised. He said the Government of which he desired the acknowledgment was of the country which had, before the revolution, been the Vice Royalty of La Plata. It was then asked, whether that did not include Montevideo and the territory occupied by the Portuguese—the Banda Oriental, understood to be under the government of General Artigas, and several provinces, still in the undisputed possession of the Spanish Government. He said it did; but observed, that Artigas, though in hostility with the Government of Buenos Ayres, supported, however, the cause of independence of Spain—and that the Portuguese could not ultimately maintain their possession of Montevideo. It was after this that Mr. Aguirre wrote the letter, offering to enter

into a negotiation for conducting a treaty; though admitting that he had no authority to that effect from his Government. It may be proper to observe, that the mode of recognition by concluding a treaty had not been suggested as the only one practicable or usual, but merely as that which had been adopted by France with the United States, and as offering the most convenient means of designating the extent of the territory acknowledged as a new dominion.

The remark to Mr. Aguirre, that if Buenos Ayres should be acknowledged as independent, others of the contending Provinces would, perhaps, demand the same, had particular reference to the Banda Oriental. The inquiry was, whether General Artigas might not advance a claim of independence for those Provinces, conflicting with that of Buenos Ayres for the whole Vice Royalty of La Plata? The Portuguese possession of Montevideo was noticed in reference to a similar question.

It should be added, that these observations were connected with others, stating the reasons upon which the present acknowledgment of the Government of La Plata, in any mode, was deemed by the President inexpedient, in regard as well to their interests as to those of the United States.

JOHN QUINCY ADAMS.

The following are the list of papers transmitted to the President:

1. Don Yono Alvarez, to the President of the United States, dated Buenos Ayres, January 16, 1816.
2. Declaration of Independence of the United Provinces of La Plata, dated at Tucuman, July 9, 1816, communicated by Don Manuel H. de Aguirre, to the Department of State, December 24, 1817.
3. Don J. Martin de Pueyrredon, Supreme Director of the United Provinces of the Rio de la Plata, to the President of the United States, dated January 1, 1817.
4. The same to the same, dated March 5, 1817.
5. Commission granted by the Supreme Director of the State of Chili, to Don Manuel H. de Aguirre, dated March 8, 1817.
6. Commission granted to the same by the Supreme Director of the United Provinces of South America, dated at Buenos Ayres, March 28, 1817.
7. Don Bernardo O'Higgins, Supreme Director of the State of Chili, to the President of the United States, dated April 1, 1817.
8. Commission granted by the Supreme Director of the United Provinces of Rio de la Plata, to Don Manuel H. de Aguirre, as agent of that Government, dated April 28, 1817.
9. General Don Jose de San Martin, Commander-in-chief of the army of the Andes, to the President of the United States, without date.
10. Don Cactano Bezares, Secretary of State *ad interim* of the Executive Department of the confederated States of Venezuela, to the Secretary of State of the United States, dated Pampatar, May 22, 1817—7th—transmitting
11. The act of the re-establishment of the Congress of Venezuela, at the city of San Felipe de Cariaco, on the 8th of May, 1817.
12. General Don Jose Artigas to the President of the United States, dated Headquarters at Purificacion, September 1, 1817.
13. Don Manuel H. de Aguirre to the President of the United States, dated Washington, October 29, 1817.

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14. The same to the Secretary of State, dated December 16, 1817.

15. The same to the same, December 26, 1817.

16. The same to the same, December 29, 1817.

17. The same to the same, January 6, 1818.

18. The same to the same, January 16, 1818.

The last of the said Messages was read, and is as follows:

To the House of Representatives of the United States:

I now lay before Congress all the information in the possession of the Executive respecting the war with the Seminoles, and the measures which it has been thought proper to adopt for the safety of our fellow-citizens on the frontier exposed to their ravages. The enclosed documents show that the hostilities of this tribe were unprovoked, the offspring of a spirit long cherished, and often manifested towards the United States, and that, in the present instance, it was extending itself to other tribes, and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived, the Major General commanding the southern division of the troops of the United States, was ordered to the theatre of action, charged with the management of the war, and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these savages, in case of retreat, may prevent a prompt termination of the war, but it may be fairly presumed that it will not be long before this tribe, and its associates, receive the punishment which they have provoked and justly merited.

As almost the whole of this tribe inhabits the country within the limits of Florida, Spain was bound, by the Treaty of 1795, to restrain them from committing hostilities against the United States. We have seen with regret that her Government has altogether failed to fulfil this obligation, nor are we aware that it made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this tribe, by her very small and incompetent force in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain to maintain her authority over the territory and Indians within her limits, and in consequence to fulfil the treaty, ought not to expose the United States to other and greater injuries. When the authority of Spain ceases to exist there, the United States have a right to pursue their enemy, on a principle of self-defence. In this instance the right is more complete and obvious, because we shall perform only what Spain was bound to have performed herself. To the high obligations and privileges of this great and sacred right of self-defence, will the movement of our troops be strictly confined. Orders have been given to the General in command not to enter Florida, unless it be in pursuit of the enemy, and in that case to respect the Spanish authority wherever it is maintained, and he will be instructed to withdraw his forces from the province as soon as he shall have reduced that tribe to order, and secure our fellow-citizens, in that quarter, by satisfactory arrangements, against its unprovoked and savage hostilities in future.

JAMES MONROE.

WASHINGTON, March 25, 1818.

The said Messages and their accompanying documents were ordered to lie on the table.

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The House having again resolved itself into a Committee of the Whole on the annual general appropriation bill; and Mr. CLAY's proposition to amend the bill by inserting a clause for appropriating \$18,000 for the outfit and year's salary of a Minister to Buenos Ayres, yet pending, Mr. CLAY concluded, in a speech of three hours in length, the observations he yesterday commenced in support of his proposition; the whole of which is given entire, as follows:

Mr. CLAY said he rose, under feelings of deep regret than he had ever experienced on any former occasion, inspired, principally, by the painful consideration that he found himself, on the proposition which he meant to submit, differing from many highly esteemed friends, in and out of this House, for whose judgment he entertained the greatest respect. A knowledge of this circumstance had induced him to pause; to subject his own convictions to the severest scrutiny; and to revolve the question over and over again. But all his reflections had conducted him to the same clear result; and much as he valued those friends, great as his deference was for their opinions, he could not hesitate, when reduced to the distressing alternative of conforming his judgment to theirs, or pursuing the deliberate and matured dictates of his own mind. He enjoyed some consolation, for the want of their co-operation, from the persuasion that, if he erred on this occasion, he erred on the side of the liberty and the happiness of a large portion of the human family. Another, and, if possible, indeed a greater source of the regret to which he referred, was the utter incompetency which he unfeignedly felt to do anything like adequate justice to the great cause of American independence and freedom, whose interests he wished to promote by his humble exertions, in this instance. Exhausted and worn down as he was, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station he held, during a four month's session, he should need all that kind indulgence which had been so often extended to him by the House.

He begged, in the first place, to correct misconceptions, if any existed, in regard to his opinions. He was averse from war with Spain, or with any Power. He would give no just cause of war to any Power—not to Spain herself. He had seen enough of war, and of its calamities, when even successful. No country upon earth had more interest than this in cultivating peace, and avoiding war, as long as it was possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of the States jealous of our rising importance, we had every motive for the love of peace. He could not, however, approve, in all respects, of the manner in which our negotiation with Spain had been con-

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ducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs, from the aggressor, such was the present time. Impoverished and exhausted at home, by the wars which have desolated the Peninsula, with a foreign war, calling for infinitely more resources in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what were we told by the President, in his Message, at the commencement of Congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the Secretary of State, in the late communication with Mr. Onís, after ably vindicating all our rights, tells the Spanish Minister, with a good deal of *sang froid*, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! He would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, he would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliation upon our commerce; for the interruption of the right of depot at New Orleans, guaranteed by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities which she was bound to prevent; for the belligerent use made of her ports and territories by our enemy, during the late war—and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Contemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils, in regard to our own peculiar interests, as well as in justice to the cause itself, he would recognise any established government in Spanish America. He would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we had conducted the negotiation in the manner he had endeavored to describe, he would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it by subsequent events and the probable conduct of Europe.

Spain had undoubtedly given us abundant and just cause of war. But, it was not every cause of war that should lead to war. War was one of those dreadful scourges that so shakes the foundations of society; overturns or changes the character of governments; interrupts or destroys the pursuits of private happiness; brings, in short, misery and wretchedness in so many forms; and at last, in its issue, so doubtful and hazardous; that nothing but dire necessity can justify an appeal to arms. If we were to have war with Spain, he had however no hesitation in saying that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under other circumstances, when we might have occupied East Florida, with safety: had we then taken it,

our posture in the negotiation with Spain would have been totally different from what it is. But, we had permitted that time, not with his consent, to pass by unimproved. If we were to seize upon Florida, after a great change in those circumstances and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign Powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman, if we are to be involved in war with Spain, let us have the credit of disinterestedness; let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. He hoped to communicate to the Committee the conviction which he so strongly felt, that, adopting the amendment which he intended to propose, would not hazard, in the slightest degree, the peace of the country. But if that peace were to be endangered, he would infinitely rather it should be for our exerting the right, appertaining to every State, of acknowledging the independence of another State, than for the seizure of a province which sooner or later we must certainly acquire.

Mr. CLAY proceeded. In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the 40th degree of north latitude, to about the 55th degree of south latitude, and extending from the mouth of the Rio del Norte (exclusive of East Florida) around the Gulf of Mexico, and along the South Atlantic to near Cape Horn, it is about 5,000 miles in length, and in some places near three thousand in breadth. Within this vast region, we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals; and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the Vice Royalty of Mexico on the south; passing by Guatemala, we reach the Vice Royalty of New Grenada, the late Captain Generalship of Venezuela, and Guyana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the United Provinces of La Plata, and, crossing the Andes, we find Chili on their west side, and further north, the Vice Royalty of Lima or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful State, and, in point of population, that which has the smallest

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contains enough to make it respectable. Throughout all the extent of that great portion of the world, which he had attempted thus hastily to describe, the spirit of revolt against the dominion of Spain had manifested itself. The revolution had been attended with various degrees of success in the several parts of Spanish America. In some it had been already crowned, as he would endeavor to show, with complete success, and in all he was persuaded that independence had struck such deep root as that the power of Spain could never eradicate it. What were the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most rigorous, the most exclusive. The great principle and object of this system has been to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked Spanish America up from the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one Vice Royalty or Government from visiting those of another; so, that the inhabitants of Mexico, for example, were not allowed to enter the Vice Royalty of New Grenada. The agriculture of those vast regions was so regulated and restrained as to prevent all collision with the interests of the agriculture of the Peninsula. Where, nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden the growth of certain articles. Thus, the olive and the vine, to which Spanish America is so well adapted, are prohibited wherever their culture could interfere with the olive and the vine of the Peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain, and fettered by the odious spirit of monopoly existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writers upon political economy, or that tend to give vigor, and freedom, and expansion to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in her policy is that which constantly elevates the European and depresses the American character. Out of upwards of 750 Viceroy and Captains General, whom she has appointed since the conquest of America, about eighteen only have been from the body of the American population. On all occasions she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Where-

ever in America her sway extends, everything seems to pine and wither beneath its baneful influence. The richest regions of the earth; man, his happiness and his education; all the fine faculties of his soul, are regulated, and modified, and moulded, to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America in 1808, when the famous transactions of Bayonne occurred. The King of Spain and the Indies (for Spanish America had always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the King of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself from the performance of this duty, they became released from that obligation. The monarchy was dissolved, and each integral part had a right to seek its own happiness by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognised this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But Mr. C. took a broader and bolder position. He maintained that an oppressed people were authorized, whenever they could, to rise and break their fetters. This was the great principle of the English Revolution. It was the great principle of our own. *Vattel*, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty—say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we could condemn the cause of Spanish America. Our Revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that was to follow. They rose; they breasted the storm; they conquered our freedom. Spanish America, for centuries, has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

Mr. C. said he was no propagandist. He would not seek to force upon other nations our principles and our liberty, if they did not want them. He would not disturb the repose even of a detestable despotism. But if an abused and oppressed people willed their freedom; if they sought to establish it; if, in truth, they had established it, we had a right, as a sovereign Power, to

notice the fact, and to act as circumstances and our interest required. He would say, in the language of the venerated Father of His Country: "Born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom."* For his own part, Mr. C. said, that whenever he thought of Spanish America, the image irresistibly forced itself upon his mind of an elder brother, whose education had been neglected, whose person had been abused and maltreated, and who had been disinherited by the unkindness of an unnatural parent. And when he contemplated the glorious struggle which that country was now making, he thought he beheld that brother rising, by the power and energy of his fine native genius, to the manly rank which nature and nature's God intended for him.

If Spanish America were entitled to success from the justness of her cause, we had no less reason to wish that success from the horrible character which the royal arms have given to the war. More atrocities than those which had been perpetrated during its existence were not to be found even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him along side of his great prototype, the infamous desolator of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners; at the violation of flags, in some cases, after being received with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance. On this subject he begged leave to trouble the Committee with reading a few passages from a most authentic document, the manifesto of the Congress of the United Provinces of Rio de la Plata, published in October last. This was a paper of the highest authority; it was an appeal to the whole world; it asserted facts of notoriety in the face of the whole world. It was not to be credited that the Congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It was a document, in short, that stood upon the same footing of authority with our own papers, promulgated during the Revolution by our Congress. He would add, that many of the facts which it affirmed, were corroborated by most re-

spectable historical testimony, which was in his own possession.

[Mr. C. here read the following passages from the manifesto:]

"Memory shudders at the recital of the horrors that were then committed by Goyeneche, in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American; who, on the day of his entry, ordered the virtuous Governor and Intendant, Antesaña, to be shot; who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days! But those blind and cruelly capricious men (the Spaniards) rejected the mediation of England, and despatched rigorous orders to all the Generals to aggravate the war, and to punish us with more severity. The scaffolds were everywhere multiplied, and invention was racked to devise means for spreading murder, distress, and consternation.

"Thenceforth they made all possible efforts to spread division among us, to incite us to mutual extermination; they have slandered us with the most atrocious calumnies, accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation, public excommunications, and disseminating, through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords they have divided families against themselves; they have caused disaffection between parents and children; they have dissolved the tender ties which unite husband and wife; they have spread rancor and implacable hatred between brothers, most endeared, and they have presumed to throw all nature into discord.

"They have adopted the system of murdering men indiscriminately to diminish our numbers; and, on their entry into towns, they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one. The cities of Chuquisaca and Cochabamba have more than once been the theatres of these horrid slaughters.

"They have intermixed with their troops soldiers of ours whom they had taken prisoners, carrying away the officers in chains to garrisons where it is impossible to preserve health for a year; they have left others to die in their prisons of hunger and misery, and others they have forced to hard labor on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered, as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the Captain General Pumacagua, General Augulo, and his brother Commandant Muncas, and other partisan chiefs, who were shot in cold blood, after having been prisoners for several days.

* Washington's answer to the French Minister's address, on his presenting the colors of France, in 1796.

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"They took a brutal pleasure in cropping the ears of the natives of the town of Villegrande, and sending a basket full of them as presents to the headquarters. They afterwards burnt that town, and set fire to thirty other populous towns of Peru, and worse than the worst of savages, shutting the inhabitants up in the houses, before setting them on fire, that they might be burnt alive.

"They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame, in the presence of their troops.

"They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across the sea to be adjudged for suspected crimes, and they have put a great number of citizens to death everywhere without accusation or the form of a trial.

"They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by General Pineto at La Paz, and in return for the kindness with which he treated them, after they had surrendered at discretion, they had the barbarity to blow up the headquarters, under which they had constructed a mine, and prepared a train beforehand.

"He has branded us with the stigma of rebels the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications; and as an act of extreme favor, he offered us a pardon. He confirmed the Viceroy's, Governors, and Generals, whom he found actually glutted with carnage; he declared us guilty of a high misdemeanor, for having dared to frame a constitution for our own government, free from the control of a deified, absolute, and tyrannical Power, under which we had groaned three centuries—a measure that could be offensive only to a Prince, an enemy to justice and beneficence, and consequently unworthy to rule over us.

"He then undertook, with the aid of his Ministers, to equip large military armaments to be directed against us. He has caused numerous armies to be sent out to consummate the work of devastation, fire, and plunder.

"He has sent his Generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns; whilst, at the same time, he has given them other secret instructions, authorizing them, as soon as they should get possession of a place, to hang, burn, confiscate, and sack; to encourage private assassinations, and to commit every species of injury in their power against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon, that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed Colonel Camugo, in the same manner, by the hands of the indecent Centeno, they cut off his head, and sent it as a present to General Pezuela, telling him it was a miracle of the Virgin of the Carmelites."

In the establishment of the independence of Spanish America, the United States have the deepest interest. He had no hesitation in asserting his firm belief, that there was no question, in

the foreign policy of this country, which had ever arisen, or which he could conceive as ever occurring, in the decision of which we had so much at stake. This interest concerned our politics, our commerce, our navigation. There could not be a doubt that Spanish America, once independent, whatever might be the form of the governments established in its several parts, those governments would be animated by an American feeling, and guided by an American policy. They would obey the laws of the system of the New World, of which they would compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which had so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm, if not a cold and indifferent, spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it would be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence, then, of Spanish America is an interest of primary consideration. Next to that, and highly important in itself, was the consideration of the nature of their governments. That was a question, however, for themselves. They would, no doubt, adopt those kinds of governments which were best suited to their condition, best calculated for their happiness. Anxious as he was that they should be free governments, we had no right to prescribe for them. They were, and ought to be, the sole judges for themselves. He was strongly inclined to believe that they would in most, if not all, parts of their country, establish free governments. We were their great example. Of us they constantly spoke as of brothers, having a similar origin. They adopted our principles, copied our institutions, and, in some instances, employed the very language and sentiments of our revolutionary papers. [Here, Mr. C. read the following passage from the same manifesto before cited:]

"Having, then, been thus impelled by the Spaniards and their King, we have calculated all the consequences, and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives, and fortune. We have sworn to the only King we acknowledge, the Supreme Judge of the World, that we will not abandon the cause of justice; that we will not suffer the country which he has given us to be buried in ruins, and inundated with blood, by the hands of the executioner," &c.

But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. He denied the alleged fact of ignorance; he denied the inference from that fact, if it were true, that they wanted capacity for free govern-

ment; and he refused his assent to the further conclusion, if the fact were true and the inference just, that we were to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America, great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, &c., they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasquez, and Gama, and other illustrious contributors to science. They have nine Universities, and in the city of Mexico it is affirmed, by Humboldt, that there are more solid scientific establishments than in any city even of North America. He would refer to the message of the Supreme Director of La Plata, which he would hereafter have occasion to use for another purpose, as a model of fine composition of a State paper, challenging a comparison with any, the most celebrated that ever issued from the pens of Jefferson or Madison. Gentlemen would egregiously err if they formed their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect.

Education had been attended to, and genius developed. [Here Mr. C. read a passage from the Colonial Journal, published last Summer in Great Britain, where a disposition to exaggerate on that side of the question could hardly be supposed to exist.*] The fact was not, therefore, true, that the imputed ignorance existed; but, if it did, he repeated that he disputed the inference. It was the doctrine of thrones, that man was too ignorant to govern himself. Their partisans assert this incapacity in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. Mr. C. contended that it was to arraign the dispositions of Providence himself, to suppose that he had created beings incapable of governing themselves, and to be trampled on by kings. He contended that self-government was the natural government of man, and he referred to the aborigines of our own land. If he were to speculate in hypotheses unfavorable to human liberty, his should be founded rather upon the vices, refinements, or density of

population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, he admitted, was the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America were spread, their physical, and he believed, also, their moral condition, both favored liberty.

With regard to their superstition, he said, they worshipped the same God with us. Their prayers were offered up in their temples to the same Redeemer, whose intercession we expected to save us. All religions, united with Government, were more or less inimical to liberty. All, separated from Government, were compatible with liberty. If the people of Spanish America had not already gone as far, in religious toleration, as we had, the difference in their condition from ours should not be forgotten. Everything was progressive. And in time he hoped to see them imitating, in this respect, our example. But grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions from the brutifying effects of a system, whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. He would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no. It was the chains that were forging for your posterity that made you fly to arms, and, scattering the elements of those chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of the islands) are estimated, in the valuable little work of M. Torres, deserving to be better known, at about eighty-one millions of dollars. Of these more than three-fourths consist of the precious metals; the residue are cocoa, coffee, cochineal, sugar, and some other articles. No nation ever offered richer commodities in exchange. It was of no material consequence that we produced but little that Spanish America wanted. Commerce, as it actually exists, in the hands of maritime States, was no longer confined to a mere barter, between any two States, of their respective productions. It rendered tributary to its interests the commodities of all quarters of the world. So that a rich American cargo, or the contents of an American commercial warehouse, presented you with whatever was rare or valuable in every part of the globe. Commerce was not to be judged by its results in transactions with one nation only. Unfavorable balances existing with one State are made up by contrary balances with other States. And its true value should be tested by the totality of its operations. Our greatest trade—that with Great Britain—judged by the amount of what we sold for her consumption,

*"As soon as the project of revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge was soon made the favorite pursuit of the youth. As far as the wants, or the inevitable interruption of affairs have allowed, everything has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone as many periodical works weekly issue from the press as in Spain and Portugal put together."

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and what we bought of her for ours, would be pronounced ruinous. But the unfavorable balance was covered by the profits of trade with other nations. We may safely trust to the daring enterprise of our merchants. The precious metals are in South America, and they will command the articles wanted in South America which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And he would again, as he had on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our Republic; to reflect, like true American statesmen, that we were not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions on millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption, in order to supply our own wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be to give us the entire command of the India trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continued to occlude her ports in the West Indies to us, and we should, as he contended we ought, meet her system by a countervailing measure, Venezuela, New Grenada, and other parts of Spanish America, would afford us all that we get from the British West Indies. He confessed that he despaired, for the present, of our adopting that salutary measure. It was proposed at the last session, and postponed. He saw, and he owned it with infinite regret, a tone and a feeling in the councils of the country infinitely below that which belonged to the country. It was, perhaps, the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what, by spectres conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and—postpone the bill. The time will, however, come—must come—when this country will not submit to a commerce with the British colonies upon the terms which England alone prescribes. And he repeated that, when it arrived, Spanish America would afford us an ample substitute. Then, as to our navigation, gentlemen should recollect that, if reasoning from past experience were safe, for the future our great commercial rival will be in war a greater number of years than she will be in peace. Whenever she shall be at war, and we are in peace, our navigation, being free from the risks and insurance incident

to war, we shall engross almost the whole transportation of the Spanish American commerce. For he did not believe that that country would ever have a considerable marine. Mexico, the most populous part of it, had but two ports, La Vera Cruz and Acapulco, and neither of them very good. Spanish America had not the elements to construct a marine. It wanted, and must always want, hardy seamen. He did not believe that, in the present improved state of navigation, any nations so far South would ever make a figure as maritime Powers. If Carthage and Rome, in ancient times, and some other States of a later period, occasionally made great exertions on the water, it must be recollected that they were principally on a small theatre, and in a totally different state of the art of navigation, or when there was no competition from northern States.

He was aware that, in opposition to the interest which he had been endeavoring to manifest that this country had in the independence of Spanish America, it was contended that we should find that country a great rival in agricultural productions. There was something so narrow and selfish, and grovelling in this argument, if founded in fact, something so unworthy the magnanimity of a great and a generous people, that he confessed he had scarcely patience to notice it. But it was not true to any extent. Of the eighty odd millions of exports, only about one million and a half consisted of an article which might come into competition with us, and that was cotton. The tobacco which Spain received from her colonies was chiefly produced in her islands. Breadstuffs could nowhere be raised and brought to market in any amount materially affecting us. The table lands of Mexico, owing to their elevation, were, it is true, well adapted to the culture of grain; but the expense and difficulty of getting it to the Gulf of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America was capable of producing articles so much more valuable than those which we raised, that it was not probable they would abandon a more profitable for a less advantageous culture, to come into competition with us. The West India islands were well adapted to the raising cotton; and yet the more valuable culture of coffee and sugar was constantly preferred. Again: Providence had so ordered it, that with regard to countries producing articles apparently similar, there was some peculiarity, resulting from climate, from soil, or from some other cause, that gave to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, was too remote to rival us.

The immense country, watered by the Mississippi and its branches, had a peculiar interest, which he trusted he should be excused for noticing. Having but the single vent of New Orleans, for all the surplus produce of their industry, it was quite evident that they would have a greater

security for enjoying the advantages of that outlet, if the independence of Mexico upon any European Power were effected. Such a Power, owning at the same time Cuba, the great key of the Gulf of Mexico, and all the shores of that Gulf, with the exception of the portion between the Perdido and the Rio del Norte, must have a powerful command over our interests. Spain, it was true, was not a dangerous neighbor at present, but, in the vicissitudes of States, her power might be again resuscitated.

Mr. C. continued—having shown that the cause of the patriots was just, and that we had a great interest in its successful issue, he would next inquire what course of policy it became us to adopt. He had already declared that to be one of strict and impartial neutrality. It was not necessary for their interest, it was not expedient for our own, that we should take part in the war. All they demanded of us was a just neutrality. It was compatible with this pacific policy—it was required by it, that we should recognise any established Government, if there were any established Government in Spanish America. Recognition alone, without aid, was no just cause of war. With aid it was, not because of the recognition, but because of the aid, as aid without recognition was cause of war. The truth of these propositions he would maintain upon principle, by the practice of other States, and by the usage of our own. There was no common tribunal among the nations, to pronounce upon the fact of the sovereignty of a new State. Each Power must and does judge for itself. It was an attribute of sovereignty so to judge. A nation, in exerting this incontestable right—in pronouncing upon the independence in fact of a new State, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that in so far as it may be necessary to institute any relations or to support any intercourse, with the new Power, that Power is capable of maintaining those relations and authorizing that intercourse.—Martens and other publicists lay down these principles.

When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognised by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe into the family of nations. It is true that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give and did give to Holland. In no instance he believed could it be shown, from authentic history, that Spain made war upon any Power, on the sole ground that such Power had acknowledged the independence of the United Provinces.

In the case of our own Revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us—a treaty by which she guaranteed our independence, that England declared war. Holland also was charged by England with favoring our cause, and deviating from the line of strict neu-

trality. And, when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation, like England, had made war, upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what had been our own uniform practice? We had constantly proceeded on the principle, that the government *de facto* was that which we could alone notice. Whatever form of government any society of people adopt; whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. And, so is far as we are concerned, the sovereign *de facto* the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. He did not maintain that every immature revolution—every usurper, before his power was consolidated, was to be acknowledged by us; but that as soon as stability and order were maintained, no matter by whom, we always had considered and ought to consider the actual as the true Government. General Washington, Mr. Jefferson, Mr. Madison, had all, whilst they were respectively Presidents, acted on these principles.

In the case of the French Republic, General Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a Minister at once. And it is remarkable that he was received before the Government of the Republic was considered as established. It will be found, in Marshall's Life of Washington, that, when it was understood that a Minister from the French Republic was about to present himself, President Washington submitted a number of questions to his Cabinet for their consideration and advice, one of which was, whether, upon the reception of the Minister, he should be notified that America would suspend the execution of the treaties between the two countries until France had an established Government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the Throne of the Bourbons, and he acknowledged the actual Government. During Mr. Jefferson's and Mr. Madison's Administrations, when the Cortes of Spain and Joseph Bonaparte respectively contended for the Crown, those enlightened statesmen said, we will receive a Minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowl-

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edges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a Minister from both parties, and finally decided against it because of the inconveniences, to this country, which might result from the double representation of another Power. As soon as the French armies were expelled from the Peninsula, Mr. Madison, still acting on the principle of the government *de facto*, received the present Minister from Spain. During all the phases of the French Government—Republic, Directory, Consuls, Consul for life, Emperor, King, Emperor again, King—our Government has uniformly received the Minister.

If, then, there be an established Government in Spanish America, deserving to rank among the nations, we were morally and politically bound to acknowledge it, unless we renounced all the principles which ought to guide, and which hitherto had guided, our councils. Mr. C. then undertook to show, that the united provinces of the Rio de la Plata was such a Government. Its limits, he said, extending from the South Atlantic ocean to the Pacific, embraced a territory equal to that of the United States, certainly equal to it, exclusive of Louisiana. Its population was about three millions, more than equal to ours at the commencement of our Revolution. That population was a hardy, enterprising, and gallant population. The establishments of Montevideo and Buenos Ayres had, during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such was the martial character of the people, that, in every instance, the attack had been repulsed. In 1807, General Whitlocke, commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and, as soon as he was supposed to have demonstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres had, during now nearly eight years, been, in point of fact, in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the Regency of Old Spain made war upon Buenos Ayres, and the consequence subsequently was, the capture of a Spanish army in Montevideo, equal to that of Burgoyne. This Government has now in excellent discipline, three well appointed armies, with the most abundant *material* of war; the army of Chili, the army of Peru, and the army of Buenos Ayres. The first, under San Martin, has conquered Chili; the second is penetrating in a Northwestern direction from Buenos Ayres, into the vice-royalty of Peru; and, according to the last accounts, had reduced the ancient seat of empire of the Incas. The third remains at Buenos Ayres to oppose any force which Spain may send against it. To show the condition of the country in July last, Mr. C. again called the attention of the Committee to the message of the Supreme Director, delivered to the Congress of the United Provinces.

It was a paper of the same authentic character with the speech of the King of England on opening his Parliament, or the Message of the President of the United States, at the commencement of Congress. [Mr. C. here read the following passages:]

"The army of this capital was organized at the same time with those of the Andes and of the interior; the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as far as is consistent with their condition. The capital is under no apprehension that an army of ten thousand men can shake its liberties, and, should the Peninsularians send against us thrice that number, ample provision has been made to receive them.

"Our navy has been fostered in all its branches. The scarcity of means, under which we labored until now, has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed for the defence of our coasts and rivers; provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals even upon the ocean.

"Our military force, at every point which it occupies, seems to be animated by the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations.

"Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war has been provided to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not, as yet, come into the Union, but whose connexion with us has been only intercepted by reason of our past misfortunes.

"Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources were unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

"Whilst thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles.

"Our system of finance had hitherto been on a footing entirely inadequate to the unflinching supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitted application to this subject has enabled me to create the means of satisfying the creditors of the State, who had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population; it is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigencies been so punctually sup-

plied, nor have more important works been undertaken.

"The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations, scarcely less grievous, will, by degrees, be also suppressed, avoiding, as far as possible, a recurrence to loans, which have drawn after them the most fatal consequences to States. Should we, however, be compelled to resort to such expedients the lenders will not see themselves in danger of losing their advances.

"Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the re-establishing of the college, heretofore named San Carlos, but hereafter to be called the Union of the South, as a point designated for the dissemination of learning to the youth of every part of the State, on the most extensive scale, for the attainment of which object the Government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be cultivated, in which the hearts of those young men will be formed, who are destined, at some future day, to add new splendor to our country.

"Such has been the establishment of a military depot on our frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honor to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes; a measure which must give more occasion for reflection to our enemies, than they can impose upon us by their boastings.

"Fellow-citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which, in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us show to the world that we have learned to profit by the experience of our past misfortunes."

Mr. CLAY continued—there was a spirit of bold confidence running through this fine State paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, were on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure was found to promote the interests of science, and the education of the rising generation. It was true, that the first part of the message portrayed scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifested, however, that they were subdued. And what State, passing through the agitations of a great revolution, was free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the con-

fidence of our councils, attempted to be shaken in the great Father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of La Plata to contest the authority of the actual Government. It is free—it is independent—it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new Republic? If we do not, who will? Are we to expect, that Kings will set us the example of acknowledging the only Republic on earth, except our own? We receive, promptly receive, a Minister from whatever King sends us one. From the great Powers and the little Powers, we accredit Ministers. We do more: we hasten to reciprocate the compliment; and anxious to manifest our gratitude for royal civility, we send for a Minister (as in the instance of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognised by our laws. We were the natural head of the American family. He would not intermeddle in the affairs of Europe. We wisely kept aloof from their broils. He would not even intermeddle in those of other parts of America, farther than to exert the incontestable rights appertaining to us as a free, sovereign, and independent Power; and, he contended, that the accrediting of a Minister from the new Republic was such a right. We were bound to receive their Minister, if we meant to be really neutral. If the Royal belligerent were represented and heard at our Government, the Republican belligerent ought also to be heard. Otherwise, one party would be in the condition of the poor patriots who were tried *ex parte* the other day in the Supreme Court, without counsel, without friends. Give M. Onís his *congé*, or receive the Republican Minister. Unless you do so, your neutrality is nominal.

Mr. C. next proceeded to inquire into the consequences of a recognition of the new Republic. Will it involve us in war with Spain? He had shown, he trusted, successfully shown, that it was no just cause of war to Spain. Being no cause of war, we had no right to expect that war would ensue. If Spain, without cause, would make war, she may make it whether we do or do not acknowledge the Republic. But she would not, because she could not make war against us. He called the attention of the committee to a report of the Minister of the Hacienda to the King of Spain, presented about eight months ago. A more beggarly account of empty boxes, Mr. C. said, was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the late war, may be contemplated without emotion, after surveying that of Mr. Gary. The expenses of the current year required 830,267,829 of reals, and the deficit of the income is represented as 233,140,932 of reals. This, besides an immense mass of unliquidated debt, which the Minister acknowledges the utter inability of the country to pay, although bound in honor to redeem it. He states, that the vassals of the King are totally un-

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able to submit to any new taxes, and the country is without credit, so as to render anticipation by loans wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a Minister acknowledges, that the decorum due to one single family, that of the Monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upwards of 56,000,000 of reals, set apart to defray the expenses of that family! He states, that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some considerable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, Mr. C. had no doubt, that, surrounded as Mr. Gary was, by corruption, by intrigue, and folly, and imbecility, he would be compelled to retire, if he had not already been dismissed, from a post for which he had too much integrity. It had been now about four years since the restoration of Ferdinand; and if, during that period, the whole energies of the monarchy had been directed unsuccessfully against the weakest and most vulnerable of all the American possessions, Venezuela, how was it possible for Spain to encounter the difficulties of a new war with this country? Morillo had been sent out with one of the finest armies that had ever left the shores of Europe—consisting of ten thousand men, chosen from all the veterans who had fought in the Peninsula. It had subsequently been reinforced with about three thousand more. And yet, during the last Summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two-thirds were persons of color, remained unsubdued. The little island of Margarita, whose population was less than twenty thousand inhabitants—a population fighting for liberty with more than Roman valor—had compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of conscription, for which Bonaparte had been so much abused. The effect of a war with this country would be to insure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominion, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should be enabled to do by our navy, blockading the port of Havana, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menaced—Mexico emancipated—and Morillo's army deprived of supplies, now drawn principally from this country through the Havana, compelled to surrender. The war, he verily believed, would be terminated in less than two years, supposing no other Power to interpose.

Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign

Power, we should give no just cause of war to Spain herself, how could it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us, for the exercise of a right which we hold in common with them, and with every other independent State? But, we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, was perfectly evident.

On what ground, Mr. C. again asked, was it likely, then, that they would support Spain, in opposition to their own decided interest? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel and seldom act upon dangers which are remote, either in time or place. Of Spanish America, but little is known by the great body of the population of Europe. Even of this country, the most astonishing ignorance prevails there. Those European statesmen who were acquainted with the country would reflect, that, tossed by a great revolution, it would most probably constitute four or five several nations, and that the ultimate modification of all their various Governments was by no means absolutely certain. But, Mr. C. said, he entertained no doubt that the principle of cohesion among the allies was gone; it was annihilated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed! How often did one Power stand by unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself! No; the consummation of the cause of the allies was—and all history and all experience would prove it—the destruction of the alliance. The principle was totally changed. It was no longer a common struggle against the colossal power of Bonaparte, but it became a common scramble for the spoils of his Empire. There may indeed be one or two points on which a common interest still exists—such as the convenience of subsisting their armies on the vitals of poor, suffering France—but, as for action—for new enterprises—there was no principle of unity; there could be no accordance of interests or of views among them.

What was the condition in which Europe was left, after all its efforts? It was divided into two great Powers—one having the undisputed command of the land, the other of the water. Paris was transferred to St. Petersburg, and the navies of Europe were at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal, awing by the dread of her vast power all continental Europe—was seeking to encompass the Porte, and, constituting herself the *kraken* of the ocean, was anxious to lave her enormous sides in the more genial waters of the Mediterranean. It was said, he knew, that she

had indicated a disposition to take part with Spain. No such thing. She had sold some worm-eaten, decayed, fir-built ships, to Spain, but the crews which navigated them were to return from the port of delivery, and the *quid* she was to get, he believed to be the Island of Minorca, in conformity with the cardinal point of her policy. France was greatly interested in whatever would extend her commerce and regenerate her marine, and consequently, more than any other Power of Europe, England alone excepted, was concerned in the independence of Spanish America. He did not despair of France, so long as France had a legislative body, collected from all its parts—the great repository of its wishes and its will. Already had that body manifested a spirit of considerable independence; and those who were conversant with French history, knew what magnanimous stands had been made by the Parliaments—bodies of limited extent—against the Royal prerogative, would be able to appreciate justly the moral force of such a legislative body. While it exists, the true interests of France will be cherished and pursued, on points of foreign policy, in opposition to the pride and interests of the Bourbon family; if the actual dynasty, impelled by this pride, should seek to subserve these interests.

England finds that, after all her exertions, she is everywhere despised on the Continent; her maritime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All the accounts from France represent that every party, Bonapartists, Jacobins, Royalists, Modérés, Ultras, all burn with indignation towards England, and pant for an opportunity to avenge themselves on the Power to whom they ascribe all their disasters. [Here Mr. C. read a part of a letter which he had just received from an intelligent friend at Paris, and which composed only a small portion of a mass of evidence to the same effect, which had come under his notice.] It was impossible, he said, that with Powers, between whom so much cordial dislike, so much incongruity existed, there could be any union or concert. Whilst the free principles of the French Revolution remained; those principles which were so alarming to the stability of thrones, there never had been any successful or cordial union; coalition after coalition, wanting this spirit of union, was swept away by the overwhelming power of France. It was not until after those principles were abandoned and Bonaparte had erected on their ruins his stupendous fabric of universal empire—not, indeed, until after the frosts of Heaven favored the cause of Europe, that an effective coalition was formed. No, said Mr. C., the complaisance inspired in the allies, from unexpected if not undeserved success, might keep them nominally together; but, for all purposes of united and combined action, the alliance was gone; and he did not believe in the chimera of their crusading against the independence of a country whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognising the new Republic, resolved itself into a question whether England, in such event, would make war upon us? If it could be shown that England would not, it resulted either that the other allies would not, or that, if they should, in which case England would most probably support the cause of America, it would be a war without the maritime ability to maintain it. He contended that England was alike restrained by her honor and by her interest from waging war against us, and consequently against Spanish America also, for an acknowledgment of the independence of the new State. England has encouraged and fomented the revolt of the colonies as early as June, 1797. Sir Thomas Picton, Governor of Trinidad, in virtue of orders from the British Minister of Foreign Affairs, issued a proclamation, in which he expressly assures the inhabitants of Terra Firma, that the British Government will aid in establishing their independence.* In prosecution of the same object Great Britain defrayed the expenses of the famous expedition of Miranda.

England, in 1811, when she was in the most intimate relations with Spain, then struggling against the French power, assumed the attitude of a mediator between the colonies and the Peninsula. The terms on which she conceived her mediation could alone be effectual were rejected by the Cortes at the lowest state of the Spanish power. Among these terms England required for the colonies a perfect freedom of commerce, allowing only some degree of preference to Spain; that the appointment of Viceroy and Governors should be made indiscriminately from Spanish Americans and Spaniards; and that the interior government, and every branch of public administration should be intrusted to the Cabildo or Municipalities, &c. If Spain, when Spain was almost reduced to the island of St. Leon, then rejected those conditions, would she now consent to them, amounting, as they do, substantially to the independence of Spanish America? If England, devoted as she was at that time to the cause of the Peninsula, even then thought those terms due to the colonies, would she now, when no particular motive exists for cherishing the Spanish power, and after the ingratitude with which Spain has treated her, think that the colonies ought to submit to less favorable conditions? And would not England stand disgraced in the eyes of the whole world, if, after having

* The following is the passage read: "With regard to the hope you entertain of raising the spirits of those persons with whom you are in correspondence, towards encouraging the inhabitants to resist the oppressive authority of their Government, I have little more to say than that they may be certain that whenever they are in that disposition, they may receive at your hands all the succors to be expected from His Britannic Majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of His Britannic Majesty go no further than to secure to them their independence."

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abetted and excited a revolution, she should now attempt to reduce the colonies to unconditional submission, or should make war upon us for acknowledging that independence which she has herself sought to establish?

No guarantee for the conduct of nations or individuals ought to be stronger than that which honor imposes; but for those who would put no confidence in its obligations, he had an argument to urge of more conclusive force. It was founded upon the interest of England. Excluded almost as she is from the Continent, the commerce of America, South and North, is worth to her more than the commerce of the residue of the world. That, to all Spanish America, had been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States might be fairly stated at upwards of one hundred millions of dollars. The effect of a war with the two countries would be to divest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favorite aim of her policy for two centuries; she must blot out her whole history; reverse the maxims of all her illustrious statesmen; extinguish the spirit of commerce which animates, directs, and controls all her movements, before she can render herself accessory to the subjugation of Spanish America. No commercial advantages which Spain might offer her by treaty could possess the security for her trade which independence would communicate. The one would be most probably of limited duration, and liable to violation from policy, from interest, or from caprice. The other would be as permanent as that independence. That he did not mistake the views of the British cabinet, the recent proclamation of the Prince Regent, he thought, proved. The Committee would remark that that document did not describe the patriots as rebels or insurgents, but, using a term which he had no doubt had been well weighed, it declared the existence of a "state of warfare." And with regard to English subjects, who were in the armies of Spain, although they had entered the service without restriction as to their military duties, it required that they should not take part against the colonies. The subjects of England freely supplied the patriots with arms and ammunition, and an honorable friend of his (Mr. JOHNSON) had just received a letter from one of the West India islands, stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the *Quarterly Review*, of November last, a journal devoted to the Ministry, and a work of the highest authority, as it respects their views, the policy of neutrality is declared and supported as the true policy of England; and that, even if the United States were to take part

in the war; and Spain is expressly notified that she cannot and must not expect aid from England.* In the case of the struggle between Spain and her colonies, England, for once at least, had manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course had been pursued by us. She had so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both; to enjoy all the advantages of the rich commerce of both. We had, by a neutrality bill containing unprecedented features; and still more by a late Executive measure, to say the least of it, of doubtful Constitutional character, contrived to dissatisfy both parties. We had the confidence of neither Spain nor the colonies.

Mr. C. said, it remained for him to defend the proposition which he meant to submit, from an objection which he had heard intimated, that it interfered with the duties assigned to the Executive branch. On this subject he felt the greatest solicitation; for no man more than himself respected the preservation of the independence of the several departments of Government, in the Constitutional orbits which were prescribed to them. It was his favorite maxim that each, acting within its proper sphere, should move with its Constitutional independence, and under its Constitutional responsibility, without influence from any other. He was perfectly aware, that the Constitution of the United States, and he admitted the proposition, in its broadest sense, confided to the Executive the reception, and the

* "In arguing, therefore, for the advantages of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances, and situations, than we are advocates for revolution in the abstract," &c. "But it has been plausibly asserted, that by abstaining from interference in the affairs of South America we are surrendering to the United States all the advantages which might be secured to ourselves from this revolution; that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful whether any advantage, commercial or political, can be lost to England by a neutral conduct; and it must be observed that the United States themselves have given every public proof of their intention to pursue the same line of policy. But, admitting that this conduct is nothing more than a decent pretext; or admitting, still further, that they will afford to the independents direct and open assistance, our view of the case would remain precisely the same," &c. "To persevere in force unaided, is to miscalculate her (Spain's) own resources, even to infatuation. To expect the aid of an ally in such a cause would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained."

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deputation of Ministers. But, in relation to the latter operation, Congress had a concurrent will in the power of providing for the payment of their salaries. The instrument nowhere said, or implied, that the Executive act of sending a Minister to a foreign country should precede the legislative act which shall provide for the payment of his salary. And, in point of fact, our statutory code was full of examples of legislative action prior to Executive action, both in relation to the deputation of agents abroad, and to the subject-matter of treaties. Perhaps the act of sending a Minister abroad, and the act providing for the allowance of his salary ought to be simultaneous; but if, in the order of precedence, there were more reason on the one side than on the other, he thought it was in favor of the priority of the legislative act, as the safer depository of power. When a Minister is sent abroad, although the Legislature may be disposed to think his mission useless, although, if previously consulted, they would have said they would not consent to pay such a Minister, the duty is delicate and painful to refuse to pay the salary promised to him whom the Executive has even unnecessarily sent abroad. Mr. C. illustrated his ideas by the existing missions to Sweden and to the Netherlands. He had no hesitation in saying, that if we had not Ministers of the first grade there, and if the Legislature were asked, prior to sending them, whether it would consent to pay Ministers of that grade, that he would not, and he believed Congress would not, consent to pay them.

If it be urged that, by avowing our willingness, in a legislative act, to pay a Minister not yet sent, and whom the President may think it improper to send abroad, we operate upon the President by all the force of our opinion; it may be retorted that when we are called upon to pay any Minister, sent under similar circumstances, we are operated upon by all the force of the President's opinion. The true theory of our Government at least supposes that each of the two departments, acting on its proper Constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our Constitutional responsibility, and the President afterwards will proceed upon his. And so if he make the previous appointment. We have a right, after a Minister is sent abroad, and we are called upon to pay him, and we ought to deliberate upon the propriety of his mission—we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequent to the deputation of the Minister, it must exist prior to that deputation. Whenever we so deliberate, we deliberate under our Constitutional responsibility. Pass the amendment he proposed, and it would be passed under that responsibility. Then the President, when he deliberated on the propriety of the mission, would act under his Constitutional responsibility. Each branch of Government, moving in its proper sphere, would act with as much freedom for the influence of the other as was practically attainable.

There was great reason, Mr. C. contended, from the peculiar character of the American Government, in there being a perfect understanding between the legislative and Executive branches, in relation to the acknowledgment of a new Power. Everywhere else the power of declaring war resided with the Executive. Here it was deposited with the Legislature. If, contrary to his opinion, there were even a risk that the acknowledgment of a new State might lead to war, it was advisable that the step should not be taken, without a previous knowledge of the will of the war-making branch. He was disposed to give to the President all the confidence which he must derive from the unequivocal expression of our will. This expression he knew might be given in the form of an abstract resolution, declaratory of that will; but he preferred, at this time, proposing an act of practical legislation. And if he had been so fortunate as to communicate to the Committee, in anything like that degree of strength in which he entertained them, the convictions that the cause of the patriots was just; that the character of the war, as waged by Spain, should induce us to wish them success; that we had a great interest in that success; that this interest, as well as our neutral attitude, required us to acknowledge any established Government in Spanish America; that the united provinces of the river Plata was such a Government; that we might safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the Executive power, with peculiar fitness, we might express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion, he hoped the Committee would adopt the proposition which he now had the honor of presenting to them, after a respectful tender of his acknowledgments for their attention and kindness, during, he feared, the tedious period he had been so unprofitably trespassing upon their patience. He offered the following amendment to the bill:

“For one year's salary, and an outfit to a Minister to the United Provinces of the Rio de la Plata, the salary to commence, and the outfit to be paid whenever the President shall deem it expedient to send a Minister to the said United Provinces, a sum not exceeding eighteen thousand dollars.”

When Mr. CLAY had concluded,

Mr. FORSYTH said, that before entering into the examination of the subject before the Committee, he would detain them for a moment by a remark or two on a suggestion that had fallen from the Speaker, so remotely connected with the question, that he should probably forget it if he omitted to notice it then. It had been said that Ministers were sent from the United States to all the crowned heads in Europe who had Ministers here. A *Chargé d'Affaires* to the United States was reciprocated by a Minister Plenipotentiary to the Court from whence he came, and the Courts of Sweden, Holland, and Prussia, had been particularly named. The last is one

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to which a Minister was expected to be sent, particular information of which fact Mr. F. was supposed to possess. But for this personal allusion he should not have felt himself compelled to refer to this subject. [Mr. CLAY explained.] Mr. F. understood perfectly well that there was no unfriendly spirit in the remark, it was an allusion to an event which was expected to occur, but upon what foundation he had been at a loss to conjecture. Certain it was, he had no intimation that this or any other diplomatic appointment would be offered to him, and it was equally certain that he had not solicited any. An idle rumor was in circulation that he was to be sent abroad, where, the persons circulating it, had not determined. He hoped to be consulted as to the place of exile, when he was to be sent into honorable banishment. The Administration had not, he believed, determined to send a Minister to Prussia, of any grade. There was a mistake as to the fact, in the case of Holland. The Government of the Netherlands had sent a Minister of the first grade to the United States, before Mr. Eustis went to the Hague. At present there was only a *Chargé* here, and it was altogether probable that the interest of the United States would not require a representative of a different character in the Netherlands. The appointments to the Hague and to Sweden, had been made by Mr. Madison, under circumstances requiring them. With regard to Sweden, the motive for the original appointment was well known. It was made at a period when, from the peculiar situation of Europe, Sweden was an important Power. She was the key-stone of the arch of the great confederation against France, and it was part of our policy at that period to stand well with all the Powers in the north of Europe. The restoration of peace certainly rendered this mission of minor importance; and when the Minister of the United States came home, it was not expected that he would again return to fix his official residence at Stockholm. Why he returned to Sweden was as well known to the honorable Speaker as to any member of the House. Mr. F. was confident that he would not remain there.

Was the importance of the amendment proposed to be estimated by the interest it excited, and the extraordinary manner in which it had been presented, few subjects of equal magnitude had ever been submitted to the decision of the National Legislature. That the deep interest felt in the fate of the measure, was not confined to those who were to decide upon it, was apparent from the crowded benches of the Hall and the overflowing gallery. For ourselves, the Throne of Grace had been that morning addressed to purify our hearts and enlighten our understandings for its correct decision. Every one must be struck by the whimsical contrast between the real and factitious importance of the proposition. To judge from the extraordinary exertions of the Speaker, from the ground over which he travelled and the variety of objects noticed by him, it would seem he believed it

worthy of the exertions of all his industry, ability, and enthusiasm—that the freedom and happiness of eighteen millions of people were, in truth, involved in its decision. Mr. F. had in vain tasked his imagination to discover that such consequences could follow from it. He could not perceive the miraculous influence of appropriating eighteen thousand dollars for an outfit and salary for a Minister to La Plata, to commence when, in the discretion of the President, a Minister should be sent to that Government. All the facts stated by the Speaker might be admitted, the arguments founded upon them might be considered as conclusive, still the amendment proposed ought not to be adopted. How obvious, then, must be the propriety of rejecting it, when the facts were disputable and the reasoning inconclusive. Admitting the independence of La Plata to be established; that it was the right and the duty of the United States to recognise that independence; that war with Spain or any other Power would not follow; that our interest and our honor required this step to be taken—still the amendment ought to be rejected. If recognition is made, it is to be done in the United States. We are to acknowledge their independence; to send a Minister to La Plata is to ask them to acknowledge ours. A Minister must be sent to, and accredited by this Government. It had not as yet appeared that the Government of La Plata desired or expected us to make such an acknowledgment; at least no one with requisite authority was known to have been sent to this country for the purpose of asking such a favor. Another objection, not less obvious, was presented by the Constitutional division of the powers of the Government. Heretofore the President and Senate were left to the exclusive management of the foreign intercourse of the United States. Ministers were received from other Powers, and sent from this country to other Governments, with whom political or commercial interest required us to negotiate, and the House of Representatives contented itself with its Constitutional check upon the exercise of this authority; satisfied that they could at all times prevent its improvident exertion by withholding appropriations from those missions, the public interest did not require. This, however, proposes a new system; this House, instead of checking, is made to stimulate the Executive to a further extension of its patronage. This new system might have its convenience, but these would be found on examination to be personal conveniences to aspiring and designing members of the Legislative body, at the expense of the general welfare. The suggestion that, under the present extraordinary circumstances of the world, the expression of the public opinion by the Representatives of the people ought to precede the movements of the Executive, was not entitled to the weight which was given to it. The President does not require to be told that the Representatives of the people who selected him to preside over their Government, are prepared at all times, and at every hazard, to do their duty. He dare not doubt that he

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will be supported in every measure the interest and honor of the nation require him to adopt. Were it really true that the Executive Magistrate had discovered a criminal indifference on this subject, Mr. F. said he would be among the most eager to express such an opinion in the only form in which an opinion could be expressed, by a resolution of the House—boldly and openly declaring its dislike of the course which had been pursued, and recommending the necessary change. The amendment to an appropriation bill in the form proposed did not convey such an opinion. The President might conjecture that such was the intention of the Legislature; yet, even while forming this conjecture, it would be necessary for him to look beyond the act to the motives assigned to those who advocated it. As a measure of ordinary policy the proposition was inadmissible; as an extraordinary measure it was indefensible. It was recommended as a bold, independent, manly expression of the public sentiment, placing the House of Representatives in the front rank in the march of the Government on a dangerous and untried field; it was, in reality, unmeaning and insignificant in its character; and while it proceeds by hinting to the President the course he should pursue, it warily shelters the House from all responsibility for the consequences behind the Executive discretion. If our interference is necessary, let us act effectually; marking the steps necessary to be taken, and taking the responsibility for the result—claiming all the honor, and bearing all the disaster. Let us not at least pretend to give the Executive a discretion already possessed, thus diminishing his responsibility without adding to our own.

Mr. F. could not but remark an apparent contradiction in the address of the Speaker on this subject of the declaration, made a few days since in a discussion of the bill reported by the Committee on Foreign Relations. He had censured with much asperity the patience discovered by the Government in its correspondence with the Spanish Minister, and thanked his God that he did not possess that Job-like attribute. In the address of yesterday we were told that he was opposed to war with Spain—would do no act which would give her just cause of war—would not violently seize any of her possessions. It would seem that, impatient as the honorable Speaker may be at the situation of the dispute with Spain, he is not disposed to do any act calculated to bring it to an immediate determination. The difference between the Administration and himself, is, that they would wait with patience, and he impatiently, the change in the Spanish councils. The honorable gentleman would pardon the notice of a species of inconsistency in the course he wished to pursue. He believed that Spain ought to be pressed; that the moment was peculiarly fortunate, and ought not to be lost. How was this pressing to be made? By argument? That had been tried in vain. Certainly not. By threats never intended to be executed? The character of the Speaker forbids such a supposition. Not by war; that had been disclaimed.

Not by any means that would give Spain justifiable cause of war. These also had been rejected. It was difficult to imagine how the object was to be accomplished, unless a subsequent suggestion furnished a key to the mystery. He would take the step in relation to the Spanish colonies, we might rightfully take, and leave Spain to do as she thought proper. If she continued to refuse to do us justice, the important question of peace or war was then to be decided. If Mr. F. understood the policy recommended, it was to do rightfully all we could to tempt Spain to declare war against us; and if we failed in all these, then we would declare war against Spain. Thus, while disclaiming all idea of war, the Speaker looked constantly to that issue. The sources of temptation were in the dispute with her colonies; we were first to recognise them, what follows is easily foreseen. The motive for this abandonment of our own quarrel, to engage in war on account of the Spanish American governments, was the apprehension; if we moved in our own case, we should be justly charged with a thirst of aggrandizement—excite the jealousy, perhaps the hostility, of some other Power, and enjoy the sympathy of none. If an interference with Spanish affairs is the ground of dispute, we shall have the sympathies of the world on our side, and excite neither jealousy nor hostility in any of the nations of Europe. Mr. F. believed, with the Speaker, that the present was an auspicious moment for a settlement of the Spanish controversy; that it ought not to be suffered to escape. He was not for war, but for such a movement, in our own dispute, as would place the means of indemnity in our possession, as should enable the Government to do justice to its injured citizens, whatever might be the future condition of the Spanish monarchy. It was war if Spain choose to consider it so; it was short of war if she desired to remain at peace. The jealousy or hostility of foreign Powers could not be reasonably excited by such a course. Sympathy was out of the question. No European Government felt it for the United States: they do not fear our power, but they dread our example; they do not apprehend danger from our physical strength, but tremble at the moral influence of our institutions. The course of the Speaker was the one best calculated to excite all their jealousies and hostilities; to confirm an idea, Spain had been at all times exerting herself to enforce, that we were the cause of the disturbances in her possessions, the aiders and abettors of her revolting subjects, and on all occasions ready to sow discord among the subjects of Princes, and to jeopardize the safety of the colonial dependencies of European Powers. War with Spain was no bugbear to him; but, if it was commenced, it should be in our own quarrel, and should not be mixed with baser matter. The Administration occupied the middle ground between the Speaker and himself, probably the safest and most congenial to the wishes and the interests of the people. There was one point on which there would be no dispute between them; the policy of the Govern-

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ment was by each of them preferred to the policy recommended by the other. Mr. F. was, however, justified, by the opinion of the Speaker, in believing that a war would not be the consequence of either project. "Spain would not, and could not, declare war against us, from the state of her finances, and the ruin of her resources." The wisdom of the two plans was, therefore, to be tested, by the benefits which we would or should derive from complete success, without the hazard of a contest for either.

The amendment was advocated as a recognition of the independence of La Plata. The argument of the honorable mover was directed to this point; and Mr. F. was well aware that one question was frequently argued, and another decided, and that the vote on the decision was sometimes determined on the merits of the question discussed. Considering it as an open proposition to recognise, he was content to meet it, and that it should succeed or fail on the propriety of refusing or making an immediate recognition. Where was the motive for this step? What beneficial consequences will flow from it to La Plata or the United States? What benefits, commercial or political, will accrue? The commerce between the people of this Government and that of the revolutionary La Plata, was free and unrestrained. Our citizens enjoyed all that they asked in the ports of Buenos Ayres, and the people of La Plata were admitted to all the rights and hospitalities that are shown to any foreigners in the waters of the United States. Arms, ammunition, all the product of our agriculture and industry, that their wants may require, are freely purchased and transported in their own or American vessels, without delay or molestation. Their vessels, armed and equipped for war, are admitted without scruple into our ports and treated with a kindness they have but too frequently abused. Are there any important political results to proceed from this step to either party? To us there certainly are none; to them the only possible advantage would be the probability that our example would be followed by the rest of the world. Mr. F. spoke on the supposition that no war with Spain was produced by this act. Our recognition was better calculated to excite the jealousy and prejudice of despotic Governments against this new Power, than to produce a similar recognition of their claims to a place in the family of nations; better calculated to produce a combination of despotic power, to their ruin, than a friendly aid in the accomplishment of their independence. This acknowledgment was useless to them politically and commercially. All the practical benefits arising from it, were enjoyed so long as we considered their independence as existing without pronouncing a decision upon that point disputed by them with Spain. Where was the motive to be found to justify this improvident hurry to the useless acknowledgment of a Government whose independence depended wholly upon its own exertions? That could not be aided in its progress by such a declaration, unless accompanied by substantial aid; an aid even the sanguine

gentleman from Kentucky did not propose to give. It was said, however, that we ought to be the first to acknowledge a sister Republic. If we did not who would? With more than ordinary diligence, Mr. F. had endeavored to find the freedom and liberality in the frame and institutions of this new Government, which would entitle it to this name. He had sought for them in vain. There was a Congress and a Supreme Director; a Congress, the Speaker has said, chosen somewhat like our own. Mr. F. would have rejoiced to learn in what this resemblance consisted. If the Congress were chosen by the people, he had been deceived by the Outline of the Revolution in Spanish America; a work to which he referred on the recommendation of the Speaker. The sole resemblance was in name. The Government of La Plata was a military despotism, like the Republic of France in the days of the Consulate, but destitute of its order, strength, and stability. If the resemblance was perfect, and the Government and people of La Plata worthy to be ranked by our side in the community of nations, still the inutility of such an acknowledgment is a satisfactory reason for refraining from it.

Mr. FORSYTH thought he might safely leave the question to the judgment of the Committee; after showing that the most powerful recommendations of the amendment were, that it was unmeaning and harmless. But he considered it a duty to examine more at large the various inducements offered by the Speaker to insure its success. Mr. F. knew and felt the danger to which he exposed himself by this course—that he would be assailed as an enemy to liberty, &c. Exertions had been made to prepare the public mind for such impressions against all those who thought with him on this subject. Notice had been given from this city, and was now ringing through the Western country, that questions were to be brought into view, by whose decision the people would be able to discriminate between those who were just and unjust to the patriot cause—between the friends and the enemies of freedom. Such considerations had no influence upon his conduct. He who was deterred by anticipated censure, or threatened calumny, from the performance of any duty, was not worthy to represent a free people—to preside even in the most subordinate sphere over the movements of a mighty empire. Careless of the motives which might be imputed to him, he should proceed to show that the Speaker had offered no sufficient inducement to justify his proposal in the origin, progress, or character, of the revolution in Spanish America; that it is not demanded by our commercial or political interest in the great struggle between Spain and her former dependencies; that while he admitted it was the right of the United States, it was not a duty to recognise the new Government; that it could not be done without the danger of war with Spain; and that it was not sufficiently demonstrated that Buenos Ayres had established, and would maintain, a free and independent Government. In tracing the origin of the revolution, the Speaker had carried us

back to the first invasion of Mexico and Peru, to the days of Cortez and Pizarro, of Montezuma and Atahualpa. From that period he had given a faint outline of the cruel, selfish, monopolizing, and debasing policy of Spain to her American dependencies—foreign and inter-colonial intercourse forbidden to her subjects in those magnificent and fertile regions of the earth; the pursuits of agriculture directed by the narrow policy of an unjust Government; the soul itself debased to the purposes of oppression by municipal regulation. It was a gloomy picture of a sad reality; a faithful representation of nature, drawn by a master's hand. The policy was but too truly characterized, and its success was as complete as its character was atrocious. It had been pursued with undeviating steadiness, until the horrible contrast was exhibited of a people the most debased, in the midst of the fairest regions of the globe; man, the master-work of creation, with intellect enervated by despotism, and soul withered by superstition, surrounded by the most sublime and stupendous monuments of inanimate nature. Was the origin of the revolution to be found in this systematic oppression? It would be looked for here in vain. To use the language of the Speaker, Spain would have succeeded in continuing this system but for the transactions of Bayonne. The puerile ambition of Napoleon was the foundation of the South American struggle. The Old World was convulsed; eighteen millions of people were agitated in the new, by his childish desire to have a King of the new dynasty on the throne of Spain; by his silly anxiety to substitute the Bonapartes for the Bourbons, over all nations dependent upon his colossal power. Was this great event hailed with joy by the Spanish Americans? Was the glorious opportunity of breaking their chains seized with avidity? Far, very far, from it. They were stunned by this unexpected occurrence; stupefied by the dreadful alternative of self-government, or submission to French rule. Like the unhappy man long immured in the gloom of a prison, they had been so long deprived of his glorious light, that the beams of the blessed sun were hateful to their eyes. This fortunate event was considered a national calamity, to which there was no alleviation but the opportunity it afforded to discover their unshaken loyalty and blind devotion to the cause of their adored King. Their resources were devoted to his service. The sole difficulty was to find, during his imprisonment, a substitute for the royal authority. The laws, and customs, and frame of Government, in other respects, remained without change; the municipalities, haciendas, audiencias, &c., all the subordinate machinery, continued in its accustomed place, and performed its accustomed operations; and, although the necessity of additional exertion produced a greater vigor of character and boldness of thought in the heads of the Government, the great mass remained unaltered in habits, opinions, and desires. England, covering the peninsula of Spain and Portugal with her armies, and, the enemy of France, procuring,

without difficulty, the great object of her long-coveted solicitude—a free commerce with Spanish America. Juntas were established upon the same principles as the Juntas of Spain, and war with the Junta of Spain was occasioned by the refusal of Spanish America to acknowledge that they were the legitimate repository of the royal power in both hemispheres. The unhappy land was rent by internal factions, in which the people were the instruments of designing ambition. The leading men disputed for the honor of being the royal substitute, none for the glory of establishing a free Government, founded upon the principles of justice and equality, whose basis was the power, whose object was the happiness of the people. The most bold, and successful, and honorable exertion, for the formation of a liberal Government, was made in Venezuela. But this new Government was overturned by an earthquake in 1812. The misguided people were induced to believe that this awful visitation was the immediate consequence of their conduct, the just judgment of an angry God upon the revolution, and those who promoted or favored its success.*

* "After many months of continued debates, the Representatives of Venezuela offered, for the approbation of the people, on the 23d of December, 1811, the promised constitution. It formed a volume, divided into nine chapters. In the first, the Roman Catholic religion is proposed as that of the State. In the second, it is proposed that the General Congress should be divided into two Houses—that of the Representatives and the Senate; to be jointly invested with the power of declaring war, making peace, raising armies, &c.; the election of the Representatives to be made by electoral colleges, and that of the Senate by the provincial legislatures. The third chapter treats of the Executive power, which was to be confided to three persons, to be chosen by the electoral colleges; and these persons were to be invested with power to nominate generals for the army, and to appoint officers to whom the administration and collection of the public revenue were to be intrusted, &c. The fourth chapter describes a supreme court of justice, which was to decide on civil and criminal questions in matters concerning the Federal compacts; likewise the trial by jury, &c. The fifth determines the limits of the provincial authorities, the mutual guarantee of the provinces to each other, and that Guayana and Maracai-bo should be admitted into the Federation as soon as they were free from Spain. The sixth and seventh propose that the constitution should be revised, and receive the sanction of the people. The eighth declares the sovereignty of the people—the rights of man in society—that foreigners of any nation whatever should be admitted into Venezuela, provided they would respect the national religion; that the use of torture should be abolished, &c. The ninth and last is devoted to general subjects; treats of promoting the civilization of the Indians, and declaring the mulattoes and pardos eligible to any employment whatever in the State; likewise of confirming the abolition of the slave trade, as decreed by the supreme junta of Caraccas on the 14th July, 1810.

"In imitation of the United States of America, the Congress set apart a territory, in which the authorities of the confederation were to reside; the town of Va-

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It might be imagined that the principles of political, civil, and religious freedom had been developed in the progress of the revolution; the present state of it would discover how far the people of Spanish America had improved in the knowledge of their personal rights, and their determination to maintain them. In Mexico the contest was at an end; at all times of a doubtful issue, the last ray of hope was extinguished by the death of the gallant and unfortunate Mina. This disastrous termination of the struggle was not produced by the successful exertion of the power of Old Spain; it was effected by the efforts of a people who formed a large portion of the eighteen millions of men who were represented as contending in the glorious cause of freedom. In Caraccas, a sanguinary, and dreadful, and, at best, a doubtful contest was maintained with the modern Alva, by the imitator of his cruelty, Bolivar. La Plata and Chili had better prospects of success; and all our sanguine hopes are fixed upon them. Thus, of the eighteen millions of people, for whom our sympathy is demanded, more than thirteen millions are the contented slaves of the Spanish authority; and it was the madness or stupidity of Ferdinand, that prevented the voluntary return of all to their ancient thralldom. A decree of oblivion for the past would have reinstated the Spanish power, if it had been promulgated by Ferdinand on his restoration to the throne. Mr. F. rested this opinion

lencia was fixed upon, and the Congress there held its session in the beginning of March, 1812.

"All prospered in Venezuela at that time; the Government was respected; the military force sufficient to support it, and the public mind was unanimous. Commerce was in some degree flourishing, and Venezuela, wishing to promote that with England, a reduction of four per cent. was made in the custom-house duties in favor of English manufactures. Three thousand men, under the command of General Moreno, were on the banks of the Oronoco, ready to cross that river, and attack the royalists in the city of Guayana or Angostura, whose inhabitants had, on many occasions, evinced their inclination in favor of the new Government, but were checked by the Spaniards from publicly declaring this inclination. Colonel Xalon, with one battalion of good troops, was stationed at Barquisimeto, supposing the royalists of Coro might attempt an attack on that side. But, alas! short in Venezuela was the possession of this prosperity!

"On the 26th of March, 1812, between four and five P. M., Venezuela was visited by one of those tremendous earthquakes which from time to time ruin whole provinces. During a minute and fifteen seconds the earth was convulsed in every direction, and nearly twenty thousand persons fell victims. The towns of Caraccas, Laguayra, Mayquetia, Merida, and San Felipe, were totally destroyed. Barquisimeto, Valencia, La Vittoria, and others, suffered considerably. This catastrophe happened on Holy Thursday, a day when every Christian church peculiarly commemorates the sufferings of our blessed Redeemer, and at the very hour when the people were crowding into the churches to attend the processions which are usual in Roman Catholic countries, and to see the representation of our Saviour led to the cross. Troops are placed on such

upon the authority of a work to which he had before referred, the Outline of the Revolution in South America. In the conclusion of that work it is said "the return of Ferdinand might have brought with it the return of peace. The people were tired of war; the leaders of the revolution disappointed in their views; a large body of the people in a state of apathy or indifference; and, what was still more important, the veneration attached to the name of Ferdinand still existed, though, in some degree, diminished." This veneration was converted into a dread of his resentment, by the mission of Morillo and his sanguinary suite. Mr. F. trusted in Heaven that this act of royal madness would meet with its appropriate punishment, in the total subversion of his western empire; that thus compelled to continue a resistance to the Spanish yoke, that the people would acquire what experience and suffering had not yet taught them, the knowledge of their strength, and the means of using it to the establishment of a Government similar to ours. Such were his ardent wishes, not his confident expectations. That the independence of all, or portions of the southern continent would, at no distant day, be achieved, could not be doubted; to what extent civil liberty would be established, was matter of speculation. Opinions, more or less favorable, would be formed, according to the sanguine or cautious temper of the judge. In the origin and progress of the revolution, there

occasions at the entrance of the churches, to follow the procession; and many churches, and the principal barracks at Caraccas, being thrown down, there was a considerable number of soldiers killed, and many thousand persons crushed under their ruins. The arms and ammunition destined for the defence of the country were buried in a similar manner; and what was worse, an unconquerable enemy to the independence of Venezuela seemed to raise its head from among the ruins—that religious prejudice which the earthquake inspired.

"In an era less remarkable, a mere convulsion of nature would have had no influence on a new Government; but, notwithstanding the prosperity Venezuela then enjoyed, the seeds of discontent had fallen on one class of the community. The principles which formed the basis of the new constitution were democratical, and it had been necessary to deprive the clergy of some of their privileges, which of course created enmity in their minds to the present Government. Immediately after the earthquake the priests proclaimed that the Almighty condemned the revolution, and they denounced his wrath on all who favored it. They construed into a manifestation of the Divine displeasure the occurrence of the earthquake on Holy Thursday, because the revolution had commenced on that festival; although it was not the anniversary, for this feast is moveable, and is celebrated on a different day every year. They made the people fancy that hell was opening to swallow them.

"Such was the effect at this time of religious enthusiasm! Unprejudiced persons were undoubtedly not of the number; but these were few, compared with the host they had to resist; which, availing itself of the general consternation, biassed the public opinion in favor of the Spanish Government."

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was no inducement to an act of doubtful policy. But our sympathy was demanded for this great cause, in character so like that of our Revolution. Sympathy for the people of the South was universally felt, and might be indulged, without scruple, in wishes and in hopes; but, when it was made the foundation of an attempt to precipitate the adoption of a favorite measure, it was necessary to examine how far it was justly inspired. That the cause of the colonies was just, and that they were entitled to the good wishes of all mankind in their contest with Spain, was unquestionable; but we are expected to feel and indulge a deeper sympathy, arising from the alleged similarity of their situation and that of the United States in 1776, from a congeniality of feeling, opinions, and pursuits, between the Spanish Americans and our predecessors. The honorable member from Kentucky had solemnly invoked the departed spirits of our ancestors to give him strength and ability to vindicate a people contending in a cause as glorious as that in which they had been engaged. An invocation to those illustrious shades to pardon a profanation of their ashes, by this odious comparison, would have better become him; and if the inhabitants of the other world are permitted to interest themselves in the transactions of this life, they would, no doubt, find, in the purity of his intentions, the motive for this forgiveness. Was not the comparison odious? In what consisted this boasted resemblance? They are colonies, contending to be independent of the parent country—so were we; here the resemblance ceases. In the motives of the contests, in the causes which produced them, in their means, and in their ends, there is contrast, not resemblance. We asserted, vindicated, maintained, and improved our rights, political, civil, and religious. We saw oppression as it approached us; remonstrated with firmness against injustice; discussed with calmness the extent of our obligations and the nature of our rights. With a perfect knowledge of the doubtful issue of a contest with our powerful, proud, and ambitious stepmother, we encountered its perils and pursued it with virtuous steadiness, until our triumph was as signal as our moderation had been conspicuous. They were oppressed and contented, manacled and reconciled to their chains, until accident compelled them to involuntary exertions. Political independence was cast upon them, and is now the sole object of continued resistance. If human rights are secured by success, it is an unlooked for, unexpected consequence; an unknown good, a result not desired by those who were to derive its benefits. Political independence was, with us, the means for the accomplishment of our object. With us it was emphatically a war of the people. The Government organized to conduct it was established by them. In the numerous changes of the persons in power, it was the immediate and regular expression of their will, that elevated or depressed the candidates for their confidence. The Confederation, a rope of sand, had tenacity and strength enough to bind them together, while

union was necessary to success. During the contest, the military was completely subordinate to the civil power. With them, the first and the last movements in the contest were made without consulting the will of the people, and no means have yet been afforded by which it can be effectually expressed. They have neither agency in the management of, nor control over, the acts of the Government, created for them. Revolution has succeeded revolution. Every change of rulers has been produced by a change in the form of substitution for the royal authority. The civil has been at all times subordinate to the military power. There was an equally striking dissimilarity in the manner in which the wars were conducted. With us, with the exception of some personal, intestine, and bloody feuds between Whig and Tory, it was carried on with the strictest regard to the laws of honorable and civilized warfare; no instance occurred of the death of the unresisting by the command of any officer in the public service. It must not be forgotten that ample justification was given by the British armies for a contrary system. The massacre of Paoli and the murder of Hayne were still fresh in the recollection of all. But, while burning with resentment for these atrocious deeds, we did not forget what was due to our character, and dishonor our reputation by following a horrible example. The cold-blooded massacre nerved the arms and steeled the hearts of our soldiers in the hour of conflict, but the cry of mercy never was raised in vain by a vanquished foe. When the gallant Hayne was barbarously executed by a British officer, whose present rank and subsequent achievements could not remove the stain of this sanguinary act from his character, the deep indignation of the nation was excited. A gallant officer was selected to pay with his life for the cruelty of his country. But the sacrifice was never made, and the gallant and generous officer was reserved to perish in defending the reputation of that people, by whose forbearance his life, forfeited by the injustice of his country, was spared. Mr. F. would not be understood to call in question the justice of the retaliatory system of extermination adopted by the Spanish Americans. He believed that the dreadful example was set by the Royalists, and the resort to it was justifiable, and perhaps essential to security and success. All he proposed by this examination was to show, what was highly honorable to his own countrymen, that a resort to such a system was not made by them under the strongest temptations, and under circumstances which would have fully justified it. The comparison was made to show the exalted character of our own contest, not excite prejudice against that of neighboring nations.

If the sanguine temper of the Speaker had deluded him into a belief so derogatory to the character of his own country, it was not surprising that he should have erred in estimating the commercial and political interest of the United States in the South American struggle. That we have a deep interest in the fate of Spanish America

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could not be denied; but it was a moral interest—the interest which man felt for the condition of man in all quarters of the world. Whatever may be the changes that may take place from the Rio Bravo to Cape Horn, no essentially favorable alteration can be produced in the extent of our commerce, in the purity or stability of our political institutions. Spanish America would afford to us but a trifling portion of her eighty-one millions of exports. With the exception of her mineral productions, her exports were of the same kind with the exports of this country: the great staples were cotton, tobacco, rice, breadstuffs, hemp, &c.; her imports, European manufactures. Mr. F. would not use as an argument the agricultural rivalry that might ensue, under a different state of things, to induce a wish that the present condition of Spanish America might continue; but he would use it to demonstrate the fallacy of the opinion that our commercial prosperity would be greatly increased by the expected change in her political condition. On this point he would ask the attention of the Committee to a few sentences from a work just published, whose author relied upon the statements of Humboldt, a man whose opportunities to procure, and ability to select, the most valuable and accurate information, was universally known. After giving a most appalling account of the present state of the imports to Mexico from the United States, as compared with those of Great Britain, he says:

“But if the imports, according to the report, are by no means promising, as it respects the demand for our productions, some items of the exports are also of a nature to excite serious reflections in the minds of those who are concerned in agricultural pursuits. Among the exports to the other colonies, we find the article of 26,371 bales or sacks of flour, and 3,207 arrobas, of 25 lbs. each, of cotton. Speaking of the Mexican flour, Humboldt says, ‘it enters into competition at the Havana market with that of the United States. When the road which is constructing from the table land of Peroto to Vera Cruz shall be completely finished, the grain of New Spain will be exported for Bordeaux, Hamburg, and Bremen. The Mexicans will then possess a double advantage over the inhabitants of the United States, that of a greater fertility of the territory, and that of a lower price of labor.’ And on the article of tobacco he observes, that ‘the cultivation of Mexican tobacco might become a branch of agriculture of the very highest importance, if the trade in it were free. At Vera Cruz the quantity of tobacco produced in the district of Dizaba and Cordova, is computed at 1,600,000 pounds to 2,000,000 pounds.’ The indefinite increase of the growth of tobacco is prevented by the royal monopoly, which not only prescribes the quantity, but the very districts in which only it can be cultivated. He also observes, on the subject of the cotton of Mexico, that ‘New Spain supplies Europe annually with 625,000 pounds of cotton.’ This quantity, though in itself very inconsiderable, is, however, six times greater than that exported by the United States, of their own growth, in 1791: and in twelve years the produce of cotton has become in the United States three hundred and seventy-seven times greater. When we consider the physical positions of the United States and Mexico, we can hardly

entertain a doubt that these two countries will one day be enabled to produce all the cotton employed in the manufactures of Europe. The great staples of the United States are grain, flour, tobacco, rice, cotton, and the products of the fisheries, and lumber. The bulky character of these articles requires, and actually employs, so much shipping for this transportation, that in point of mercantile tonnage, we are already superior to any nation in Europe, Great Britain excepted. Considering, therefore, the importance of these staples in their tendency to our internal welfare, and their influence on our maritime strength, we cannot contemplate, without feelings of great concern, any contingency, however remote, which may operate unfavorably to either.”

Mr. F. would not fatigue the Committee by following the author in his investigation of this subject, through the whole extent of Spanish America, but would content himself with quoting that portion of the work which related to the provinces of La Plata, the immediate object of their present inquiry:

“The climate and soil of Buenos Ayres are singularly favorable to the growth of wheat and barley; and whenever this country shall have acquired a competent population, the extent of its produce in both will be equal to any demand, however great. During the late war in Spain, considerable quantities were shipped, under contract with the British Government, to the ports of Spain and Portugal. Under these circumstances it is to be expected that, in any event, our commercial intercourse with this country will not be a subject of national importance.

“Our observations respecting Buenos Ayres apply with still more force to Chili; because the latter is still more remote, being situated on the Pacific Ocean, in nearly the same latitude with Buenos Ayres, and corresponding with it in productions.”

It must be sufficiently obvious from these extracts, that the hope of commercial gain must be founded upon our ability to be the carriers of Spanish America, in her commerce with the world; or in our ability to compete with other nations in the supply of such manufactured articles as are consumed by her inhabitants. In the direct commerce from Europe to South America, we cannot hope to participate. Every nation wisely regulates this subject, like ourselves. Competition is confined to their own vessels, and those of the nation with whom it has direct intercourse. We must be able to perform circuitous voyages with greater facility and at a smaller expense than direct voyages are performed by other nations. A contest hopeless, unless war rages among all the other maritime Powers of the earth. Even in this extraordinary state of the world, we should have to contend with the naval enterprise of the newly-created empires. This is considered as of but little consequence by the Speaker. He supposes that Spanish America can never become a great maritime Power. And for what reason? A strange one, indeed. They are too near the sun! The climate is too warm and relaxing; the inhabitants cannot contend on the ocean with the hardy and enterprising children of the bleak and bracing regions of a northern sky. All history condemns this strange theory.

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Ask your naval heroes if they have not found that the sailors of the Southern are equal in strength, activity, courage, and hardihood to their Northern brethren? If they would not prefer the sailors of Louisiana to the natives of the frozen and barren regions of Labrador? If the improvement of our South American brethren keeps pace with the anticipation of the gentleman from Kentucky, their emancipation will create for us formidable rivals in agriculture, and powerful competitors for maritime superiority; a rivalry and competition Mr. F. would most cheerfully contribute to produce, if it was to be succeeded by the establishment of civil, political, and religious freedom in that unhappy land. We were, however, required to elevate our views to futurity; to consider that we were legislating for posterity; while it was admitted that at present we could not successfully vie in the markets of this new world with the manufacturers of Europe, the time was approaching when we should undersell the European manufacturers. Mr. F. did not believe this time would arrive during the present century; he hoped it never would arrive. He should deeply deplore the arrival of that period at which manufacturing establishments would be more profitable than the pursuits of agriculture. He wished the articles of first necessity to be fabricated here; beyond this his wishes did not extend. As to the present question, it was sufficient for the purposes of his argument to show, that we could not hope to partake largely of the golden profits of Spanish American commerce, without a thorough change in the present pursuits of the inhabitants of the United States. A change neither desirable nor probable.

Splendid political consequences were anticipated from the expected change. The freedom of the commerce of the Mississippi—the safe navigation of the Gulf of Mexico—the power and effect we should derive, from being the head of a confederation of republics. In case of necessity, the new world of republics was to be arrayed against the old world of despotisms. In the event of European wars, we shall have powerful auxiliaries in the assertion of neutral rights. And was it really apprehended we should ever want aid to maintain the free commerce of the Mississippi or the Gulf of Mexico? these might be safely trusted to our gallant tars and the people of the West. Suppose this great change to have taken place. Overleap in imagination the progress of centuries, and see the United States connected with Republican Governments to the Southern extremity of the New World; the first, if you please, in wealth and power; overcoming the disadvantages of situation and climate, by her superior skill and superior industry. What superior advantages will the people enjoy that are not possessed by ourselves? Will they be more free, more happy, more virtuous, and less exposed to the danger of internal commotion and external violence? The power of the Government to destroy other nations would be increased; the power of the Government to promote the welfare of the people, the object for

which it exists, would remain the same. Connected with people, active, intelligent, and jealous as ourselves, our rivals in commerce, in agriculture, in science, and in the freedom of their institutions; will these elements of strife be composed to harmony by the tender names of sister Republics? Men do not change their nature with their Governments? Brooding avarice, malignant revenge, daring ambition—will find their place under all forms of government, in all ages and in every clime. Mr. F. would not look further into the consequences which might be anticipated from the working of these passions among the affiliated nations. As in the days of ancient Greece, the ground of quarrel would be, who should be the first; and some Eastern Satrap might again be found, to foment the quarrels and distract the councils of the Western World. There was one remedy for these dangers; instead of many, but two Republics should be created of the North and South Americas. Mr. F. was not yet prepared to risk the happiness and the security of the people of the United States, by such a sublime but hazardous extension of their political system. Nations, like individuals, were, under God, the fabricators of their own fortunes. Of this nation this was undeniably true. We want no power which we cannot acquire, since we desire none but for our own protection. We ask no aid, since we will not invade the rights of others; to defend ours, our own strength is amply sufficient. We are free, independent, and happy, so long as the people are true to themselves. United, combined Europe would be arrayed against them in vain. No man need look beyond our own borders for the means of securing and perpetuating all that is valuable in life and liberty. In the assertion of neutral rights it was but too fashionable to look beyond our own resources; the experience of the late war satisfactorily demonstrated that it was unnecessary. It discovered to us, that aid was not to be found where it was expected; it demonstrated that it was not required. He rejoiced that that contest was commenced and terminated without an ally, and he most heartily thanked the English Government for refusing the proffered mediation of the Emperor of all the Russias. The obligation of that offer would weigh upon his spirit, had not the load been removed by the nonchalance with which the refusal of the other Power had been received, and the equivocal treatment experienced by our Ministers from the Court of St. Petersburg. We want no aid and no ally for asserting any of our rights. The experience of the late contest was not less useful to ourselves than to others; it taught them, too, the secret of our power;—trust to its effect; the impression was deep, and the remembrance will be lasting. Mr. F. would not press this inquiry, lest he should be suspected of desiring to produce a wish that Spanish America should remain dependent. All he desired was, by bringing other objects into view, to save the Committee from the seducing enthusiasm of the Speaker. If the question of Spanish American independence depended upon our selfish con-

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siderations of interest, it never would be achieved. If we were governed by the ordinary policy of nations, we should desire the re-establishment of the Spanish power, since it impeded the progress of our neighbors, and left us undisputed masters of the world of western enterprise. But our policy was as liberal as our institutions. We looked anxiously for the emancipation and improvement of the Spanish Americans, however formidable their competition and dangerous their rivalry. We desired it for their good, and not for our advantage. That the United States had a right to acknowledge any Government, was a political axiom. That it was our duty to recognise the Government of La Plata, remains to be proved. If our interest and our honor require it; if it is demanded by our obligations to that Government, it was a duty. What interest have we in this independence, which should induce us, first among the nations of the earth, to welcome this stranger? Was it commercial? The fact that we had not more than twenty vessels in the commerce of La Plata, and that number diminishing, while the English had more than two hundred, was a proof of the extent of our commercial interest in this region of the world. Separated at a distance so remote, where was the political consideration to demand it from us? There was none. We are asked to do what France did for us. Mr. P. said, the United States had already done more, openly, for La Plata than France ever did for the United States, prior to her determination to go to war with England. The United States were now in advance of all the nations of the earth, except the Government of Brazil, in kindness to Buenos Ayres. France, prior to the capture of Burgoyne, forbade her subjects to supply us with arms and munitions of war; would not suffer our vessels of war to enter her ports, but, according to the provisions of the Treaty of Utrecht, when driven in by stress of weather, and their stay was limited to the duration of the danger. We openly permit the exportation of every necessary for the use of the people of La Plata. Their vessels enjoy every privilege enjoyed by Spanish vessels, or the armed vessels of any other nation, in our harbors. We wish them success: they know it well; we do not conceal, or affect to conceal, it from Spain. These privileges are denied them by all the Powers of Europe, or if granted, are yielded to them in secret by England.

We have proclaimed a strict neutrality; regulated our conduct by the rule of the national law. "In civil wars foreigners are not to interfere in the internal government of an independent State. It belongs not to them to judge between the citizens whom discord has roused to arms, nor between a Prince and his subjects. Both parties are equally foreigners to them, and equally independent of their authority." The circumstance to which the Speaker referred, if correctly stated, is the most certain evidence that our conduct has been consistent with our professions. We have pleased neither party, while more fortunate England has succeeded in pleasing both parties. Honorable neutrality is never

grateful or pleasing to either of the belligerents: pretended neutrality and secret assistance is grateful to that Power to whom aid is given. England may have been artful enough to persuade Spain that her four hundred thousand pounds was intended for this purpose, while her secret supplies of arms have satisfied the United Provinces that England desired only to promote their success. Our duty cannot require us to do what is useless—what is calculated to confirm a charge made against us, of fomenting the disturbances in Spanish America; a charge to which probable evidence is already afforded by the expeditions of Miranda, of Carrera, of Mina; all of whom sailed from these States to their places of respective destination. It is the duty and the interest of England to stand forth as the protector or first friend of the new Government. She enjoys the fruits of their separation from the parent country; she fomented the quarrel. Then let her take the risk, as she will take the honor and the profits of the recognition of the new Power. Mr. F. was at a loss to conjecture why it had not already been done by England, unless she feared the undefined and undefinable obligations of the Holy League, or was content to reap the *present* profits, reserving to herself the power to secure the *future*, either by recognising the new people on favorable conditions, or by restoring them by her mediation to their former master, on conditions equally favorable to her commercial interest.

At what risk, it may be asked, will this recognition be made? At the hazard of a war with Spain. The gentleman from Kentucky says it is not justifiable cause of war. Does he mean in the eye of reason, or in the opinion of nations? In the opinion of nations it certainly is justifiable cause of war; and it is not to be doubted, that, were situations reversed, such a recognition of the independence of one of these States of the Union—Louisiana, for example—by Spain, would be instantly followed by war. The Speaker seemed, indeed, to doubt the soundness of this position, as he pressed principally the want of ability in Spain to make war, not the deficiency of just motive for declaring it. That war would follow with England, should Spain venture upon a contest with us, Mr. F. did not believe. She would have the most powerful motives for neutrality. The glorious opportunity of ruining our commerce would be afforded, and would be seized with avidity. The increased expense of shipments in American vessels would throw the whole of our trade into British bottoms, and our flag would be driven from the ocean, except where it floated over our public or private armed ships. Mr. F. would encounter this danger of a war with Spain, with all its consequences, for an adequate motive; but he would not, by hurrying to do an act useless at best, and which might hereafter be performed without hazarding anything. At all events, he was unwilling to encounter it, until La Plata had shown, by indisputable testimony, that she was independent, and had the power and the will to maintain it.

Was there a free Government in La Plata, for

whose existence we ought to encounter any hazard? Was there a Government independent of Spain, and which could not be compelled by the power or seduced by the cajolements of Spain, to its former vassalage? The character of the Government might be read in the history of its formation; in the changes which preceded it; and in acts since it was established. The disturbances in the Peninsula induced the Viceroy of Buenos Ayres (Cissneros) to call a Junta in May, 1810, composed of the officers of the Royal Government. In April, 1811, a new Government was formed by the inhabitants of the city of Buenos Ayres, having been called together for that purpose by the municipality of the city. This Government—which, like the other, was but a name for a new organization of the Regal power—was composed of three members and two secretaries. According to the *El Estatuto*, one member, exercising the Executive power, was to vacate his seat at the expiration of six months, and his place was to be supplied by election. The deputies of the municipalities of the provinces were to form the electoral college. The first assembly for the election of one of the members of the Executive authority met on the 5th day of April, 1812, and nominated Puerrydon for one member of the Government. They proposed to form a constitution, but were dissolved by the existing authority—Puerrydon deriving no power from this nomination. The second assembly met on the 6th of October, 1813, and elected Medrano; but, pursuing the track of their predecessors, they met a similar fate. The municipality, people of the city, and troops, opposed their measures, and the assembly was dissolved by military force.

A meeting of the inhabitants of Buenos Ayres, *Cabildo Abierto*, was convened on the 8th day of October, 1812, and the administration was vested in Pena, Passo, and Johnete. Thus perished the first constitution, after existing twelve months, and being violated in all its provisions. In January, 1813, a new assembly met; the *Constituyente*, composed of deputies, nominated by the electoral colleges of the towns and cities of Rio de La Plata; the chief acts of the new assembly was the change of the title of the Government from *Gobierno Superior*, to *Supremo Poder Ejecutivo*, and the decree of Freedom to the Children of Slaves. The same decree compelled a sale of every third male slave to be enrolled in the army, the price being a debt due to the owners by the State. In December, 1813, the government of those persons was annulled by the assembly, and Pozados was chosen Supreme Director, to give strength by concentrating the Executive powers. In January, 1815, Pozados having resigned, Alviar was appointed Supreme Director. In April, 1815, there was a new revolution. A meeting of the inhabitants of Buenos Ayres was convened, and the authority of Alviar and the Assembly disowned. The municipality was vested with the supreme command. The municipality formed a *junto* called *De Observacion*, by whom a new constitution was published. Rondeau was named Director, but, being in mil-

itary command with the army, Colonel Alvarez, a ringleader in the revolt, was made his substitute. Alvarez convoked a Congress, but before it assembled he was dispossessed by another commotion of the power he held in the absence of Rondeau. Belcora was then appointed Supreme Director, but was soon after removed, and the administration placed in the hands of a committee. The Congress of Tucuman met in 1816, chose Puerrydon Supreme Director, and declared the independence of the Provinces of La Plata on the 3d of July; proposed to publish a manifesto, which was published in 1817, and to form a constitution that has not yet been matured. In this hasty sketch of the events which led to the establishment of the Government as it now existed, it must have occurred to the members of the Committee that there was no agency of the people in its organization, except the commotions in the city of Buenos Ayres; they seem to have been the idle spectators of the movements of the constituted authorities and the military. For aught that appeared, the ancient institutions below the head of the Government, remained as formerly. Mr. F. would not detail the accusations, trials, executions, and banishments, which were the consequences of these changes. That the people were not deeply interested in the successive changes, and did not appear to have derived essential benefits from them, was sufficiently obvious, and all he desired to establish. The conduct of Puerrydon to Carrera, since this declaration of independence, may serve further to illustrate the character of this new power. Carrera was a Chilean, the author of the revolution there; in the decline of his fortune, he came to the United States, and after procuring resources for renewed efforts, returned to La Plata to execute his designs; he carried with him the hopes and good wishes of all the friends of freedom in the United States. Unfortunately, he expected assistance from La Plata, and sailed with confidence into her ports. An expedition having been prepared in La Plata, against Chili, instead of receiving aid from Carrera, in the deliverance of his country from slavery and oppression, the ostensible motive for this expedition, he was seized, imprisoned, and finally banished; the only satisfaction he received is to be found in that part of Puerrydon's exposé that has been read by the Speaker, in which he deplores the rudeness which he has been compelled to show, so contrary to the politeness and urbanity of his own nature, and that of his Government. The motives for this course may be collected from the recent accounts from Chili. A letter of the 7th of October says, "More than eighty persons of the first distinction have been seized and thrown into dungeons by the military, on the ground of attachment to General Carrera, and the treasures of Chili were exhausted by contributions to Buenos Ayres, and the people of Chili are experiencing the benefits of that kind of deliverance from the Royal Spaniards, by O'Higgins and the army of Buenos Ayres, that France has experienced under the Bourbons, supported

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‘by the armies of Wellington and Alexander.’ The power of Spain had not been exerted against this new Government—not a Spanish soldier or bayonet had been sent from Old Spain since the restoration of Ferdinand. Was the new Government possessed of the physical and moral strength to resist her efforts when they should be made? Gentlemen should not deceive themselves. Spain, inert and powerless as she was, was a formidable power to Spanish America, by the nature of the Government, and the superstition of its inhabitants. She had ample resources for the purchase of assistance, should she be driven to this resort. The time had not arrived when the Spanish Monarch asked himself the important question—What part of my dominions will I surrender for the preservation of the rest? When he is willing to make great sacrifices he can procure ample assistance. Those who sold him ships for money will sell him men for territory. His European territories may tempt Russia—his possessions in the West Indies, England—to assist him in the subjugation of his rebellious subjects. He may sell La Plata for Portugal, and the parties to the holy league may guaranty their respective cessions to each other. Shall we find in La Plata the unanimity, energy, and virtue, to resist such arrangements, where Province is arrayed against Province, under Puerrydon and Artegas, viewing each other with a hostility more deadly than the proverbially mutual hatred of Spaniard and Portuguese? A still more fatal course may be pursued. The King of Spain may choose to try persuasion, giving to England the promise of free commerce with the Spanish Main; may he not easily procure another mediation, the condition of which shall be the conditional return of La Plata to her dependent state? England knew well how to make such a mediation effectual. Let it not be said her honor forbids it, or her interest. Her interest is promoted by the commercial monopoly such an arrangement will give. Her honor always bows obedient to the dictates of her commercial interest; if she should feel some qualms of conscience, the island of Cuba will calm her scruples. But has she ever promised more than to secure the commercial independence of Spanish America? What a contemptible figure should we make in the eyes of all mankind—how degraded in our opinions—if we should recognise La Plata, and the Government should shortly after voluntarily return to the Spanish yoke! That the Committee might not be deceived by the supposed attachment felt by the new Government for the United States—by the profession of an anxious desire to follow our example, and imitate our virtue, Mr. F. would mention a few facts, at once illustrating the ardor of their attachment to the United States, and the justice and honor of the Government in its dealings with individuals. The American brig *Savage*, of Baltimore, sailed to Buenos Ayres with a cargo of military stores; they there sold them to Government, to be delivered in Chili. The voyage was performed; four months elapsed,

under various pretences, before the cargo was received, and after this delay the payment was made, not according to contract, but at the discretion of the Government. The owner was thus plundered of his property, and injured by this delay of his plunderers. The ship *Enterprise*, of Philadelphia, Captain Coffin, was employed, by contract, to carry three hundred exiles from Juan Fernandez to Valparaiso, from whence they had been formerly banished by the royal party. He was to have received \$7,200. He performed his contract—restored the exiles to their country and their homes. After a detention of two months, he was paid \$2,500—St. Martin, the Washington of America, as he is called, alleging that this was enough.

In the armies of La Plata, English and French officers are employed without scruple; Americans seldom, if ever. Our countrymen do not suit their manners, opinions, or Government. Juett, formerly of the Army of the United States, and Kennedy, formerly of the marine corps, sought in Valparaiso, in 1817, commissions in the army of St. Martin. He suspected them of attachment to the Carreras, and threw them into a dungeon, and whence they were not released until the captain of a vessel, who procured their liberation, entered into an engagement to take them immediately from a soil they were deemed unworthy to tread. To judge of the character of the nation, from the cruelty and harshness, or injustice, of an individual, was not reasonable; but when that individual was the theme of universal admiration in his own country, it could not be considered as improper to make him the standard by which to estimate the opinions and character of his countrymen.

Every arrival from this land of promise brings us the history of the oppressions of the existing Government, and the fearful forebodings of our countrymen, that the people, for whom our anxious wishes are hourly expressed, will derive no benefits from the change of their governors; that the Spanish power will be restored in all its rigor; or that the new authorities will ever be exercised with the same contempt of the principles of justice and of freedom, that distinguished the ancient tyranny. It might be urged, that this was newspaper information, derived from persons of doubtful authority. This objection was of the same force, in its application, to all the information possessed of that country. It was of such materials its history was composed. A powerful, an irresistible argument, to induce the Committee to refrain from the commission of an act of doubtful propriety, might be drawn from this source; but Mr. F. would not trespass longer upon their patience, exhausted as it must be, by attending to the long and animated address of the Speaker, and his own desultory reply.

When Mr. F. concluded his speech, the Committee rose, reported progress, and obtained leave to sit again, on the intimation of Mr. Lowndes, that he proposed to deliver his views of the subject.

And the House adjourned.

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THURSDAY, March 26.

Mr. POINDESTER, from the Committee on Private Land Claims, reported a bill for the relief of John Johnson, Henry Perry, Richard Cravat, and Beley Cheney, the legal representatives of John McGrew, and the legal representatives of John Turnbull; which were twice read, and committed.

Mr. P., from the same committee, also reported a bill for the relief of James Mackay, of Missouri; which was twice read, and committed.

The bill from the Senate for the relief of John Small, was ordered to be read a third time, and was accordingly read a third time, and passed.

On motion of Mr. TERRILL, the Committee on Commerce and Manufactures were instructed to inquire into the expediency of granting the consent of Congress to an act passed by the Legislature of the State of Georgia, allowing fees to the health officer and harbor-master for the port of Darien.

On motion of Mr. J. S. SMITH, the Committee on the Public Lands were instructed to inquire into the expediency of authorizing some other person than the President of the United States to sign patents for soldiers' bounty lands.

On motion of Mr. FLOYD, the Secretary of the Navy was instructed to lay before this House the proceedings of the court martial held for the trial of Franklin Wharton, lieutenant colonel of marines.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, according to the direction of the House, certain statements in relation to the expenses of general courts martial since the first of August, 1812; which was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act for the relief of Cata Bunnell; An act concerning the bounty, or allowance, to fishing vessels, in certain cases; and, An act for the relief of Samuel Ward; in which bills they ask the concurrence of this House.

The first of the said bills from the Senate was read twice, and referred to the Committee on Military Affairs.

The second of the said bills was read twice, and referred to the Committee on Commerce and Manufactures.

The last of the said bills was read twice, and referred to the Committee on Pensions and Revolutionary Claims.

AMELIA ISLAND.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to the House of Representatives, in compliance with their resolution, of March the 20th, such information not heretofore communicated, as is in the possession of the Executive, relating to the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the persons who authorized, and of those who were engaged in the invasion, and previous occupancy of that island; of the unfriendly

spirit towards the United States, with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromise them with foreign Powers in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears, by the letter of M. Pazos, agent of Commodore Aury, that the project of seizing the Floridas was formed and executed at a time when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding, in every stage and in all its circumstances, was unlawful. The commission to General McGregor was granted, at Philadelphia, in direct violation of a positive law, and all the measures pursued under it, by him, in collecting his force, and directing its movements, were equally unlawful. With the conduct of these persons, I have always been unwilling to connect any of the Colonial Governments; because I never could believe that they had given their sanction either to the project in its origin, or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROE.

WASHINGTON, March 26, 1818.

A list of papers transmitted with the President's Message.

Extract of a letter to a gentleman in the District of Columbia, dated Baltimore, 30th July, 1817, with an enclosure, being—

Copy of a letter from Sir Gregor McGregor, to a gentleman in Baltimore, dated Fernandina, 17th of July, 1817.

The same to the same, dated at Nassau, New Providence, 25th of December, 1817, with an enclosure, being

Extract of a Proclamation.

Extract of a letter to the Secretary of State, dated 24th December, 1817, with an enclosure, being directions for sailing into Tampa Bay.

Extract of a letter from the same to the same, dated 13th January, 1818, with enclosures, being: directions for sailing into Tortola: Translation of a letter of Marque, and of Naturalization, granted by Sir Gregor McGregor.

Extract of a letter to the same, dated 19th of January, 1818.

Major J. Bankhead and Commodore J. D. Henley, to the President, dated Fernandina, 20th of January, 1818.

Don Vincente Pazos to the Secretary of State, dated 8th February, 1818.

Don Luis de Aury to the President of the United States, dated Fernandina, 23d of December, 1817.

Memorial of Don Vincente Pazos to the President of the United States, dated Washington, 7th February, 1818; accompanied with several documents.

The Secretary of State to Don Vincente Pazos, dated 5th March, 1818.

The Message was read, and ordered to lie on the table.

SPANISH AMERICAN PROVINCES.

The order of the day on the unfinished business having been announced—

Mr. POINDESTER moved to postpone the further consideration of the bill, in order to afford time

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for the documents expressly bearing on the question, yesterday communicated, to be printed and laid before the House.

After conversation respecting it, this motion was negatived.

The House then having again resolved itself into a Committee of the Whole, on the general appropriation bill; and Mr. CLAY's motion to insert an appropriation for a Minister to Buenos Ayres being yet under consideration—

Mr. LOWNDES addressed the House in a speech of about an hour and a half, in opposition to the motion.

Mr. ROBERTSON, of Louisiana.—I should not have risen to express my opinion on the present occasion, if I had not, at an early period of the session, indicated my intention to do so, whenever a proper opportunity should occur; but for this circumstance, I should have been contented to give a silent vote, for I am well aware, from my more than usual ill health, that there will be nothing in either the manner or the matter of my address to compensate the Committee for that attention which their indulgence may induce them to bestow.

I unite with the gentleman from South Carolina in considering the proposition of the Speaker as involving in its decision the views of this House, in respect to the independence of the Government of Rio de la Plata, and as to the expediency of acknowledging it. On both these points, my opinions are formed, and I shall give them utterance, without equivocation or hesitation, notwithstanding certain cabalistic words, of great efficacy with old women, and men of weak minds, of the use of which the gentleman from South Carolina (Mr. LOWNDES) has availed himself. I allude, sir, to his remarks on the danger of war, and the impropriety of casting censure on the conduct of the Executive.

I beg leave to assure the Committee, that I have no wish to involve the country in war; that I agree in everything my friend from South Carolina has said as to the inappreciable advantages of peace. I would even go further; I almost think that peace is necessary to the existence of liberty. Rarely indeed does the freedom of nations survive the expensive and bloody contests in which they are too prone to indulge; liberty, morals, prosperity, all depend upon peace; they are too precious to be wantonly hazarded; I would sanction no measure that would endanger them but under the most imperious circumstances. Nothing, too, is further from my intention than to censure the conduct of the Executive; so far from it, I wish to give to the President the strongest proof of my agreeing with him in opinion, by furnishing him with the means of executing his wishes in regard to the people of South America. Has he not told us, sir, that he feels the sincerest sympathy in their behalf, and has he not told us further that they were a people engaged in civil war, and entitled to equal rights with their enemies; and can it be otherwise than gratifying to him, that this House should concur in his views, and enable, nay, more, encourage

him with the cheering influence of its approbation, to give effect to his benevolent and kind feelings, and to do justice to the revolutionists, by acknowledging their independence, sending them an Ambassador, and placing them in that situation of equality which, he says, they are entitled to enjoy? Sir, it cannot be otherwise than agreeable to the President to know the opinion of Congress on so momentous a subject; if that opinion, independently expressed, shall concur with his own, he will act conformably to it; on the other hand, if, from the position he occupies in the Government, from his better information, or from any other circumstances, unknown to the public, he shall think it best to continue, unchanged, the state of our relations with South America, he will do so. For one I shall not object, if he does but exercise his right, to judge and decide for himself; and I am too much in the habit of pursuing my own opinion, to blame others, whether in public or private stations, for exhibiting a like independence.

But, the gentleman from South Carolina seems to contend, that it is the exclusive right of the Executive to manage our foreign relations; that he is better informed on these subjects, and that this House ought not to interfere so far as to suggest an opinion or a wish, unless it is meant to be understood, that strong disapprobation is felt towards the course which has been pursued. I think, too, it may be inferred from the remarks of the gentleman, that the President is not only better informed on all questions of this kind than Congress or the nation, but that it is right and proper that he should keep his information to himself, and not part with it too freely or too frequently. Now, I dissent from all such doctrine; I look upon it to be the duty of Congress to express its opinion freely upon all questions which concern our domestic or foreign affairs, and I consider it as the solemn duty of the Chief Magistrate of a popular Government to disseminate among the people all information that can instruct them on points so important as their situation in regard to other Governments.

I would ask, sir, how else can the wise measures of a virtuous administration receive rational approbation, or how a vicious Government be arrested in its mad career? Shall it be justified in managing in secret the whole interests of the public, in plunging into war after a long concatenation of events, which, if known, might have been prevented, or in allowing the nation to repose in security, when, from its own acts, or those of other Governments, it stands on the brink of a precipice? Ought there not rather, in such a Government as ours, to be the most unreserved and frank communication of facts, of whatever kind they may be? Ought there not to be felt and evidenced, towards the people, the most entire and unaffected confidence? Will the people long continue to confide in those who manifest distrust, by covering their proceedings, whether of an external or internal nature, with a veil of mystery and secrecy?

I cannot approve of the observations of the

gentleman from South Carolina, and I do hope that the present Administration will act on no such principles. In the examination of the present subject, I shall not indulge myself in so wide a range as some of the gentlemen who have preceded me. I will endeavor to show that the Government of Rio de la Plata is independent, and that it is expedient to acknowledge that independence. To establish the fact of its independence, let us inquire whether it has declared itself independent? Of this there is no doubt; this fact is not disputed by any one. I state it thus specifically, because it is far from being itself an unimportant circumstance. In our own case, it was not so considered. In the language of one historian, Ramsey, after that event "we no longer appeared in the character of subjects in arms against their sovereign, but as an independent people, repelling the attacks of an invading foe." And Marshall says, "we changed our situation by the Declaration of Independence, and were no longer considered as subjects in rebellion." From that time, too, we date our actual independence. It has not been permitted to be deferred till its acknowledgment by other nations, nor until the peace; and so has the fact been established, as well by political as judicial decisions, both in England and in the United States. Buenos Ayres remained faithful to Spain under circumstances extremely favorable to her throwing off the yoke. When the Peninsula was overrun by a foreign army and torn by domestic faction, the people of Buenos Ayres submitted to be governed as a colony; they were willing to continue their former connexion, while the Government was in the hands of Charles, or Ferdinand, or Juntas, having the semblance of power; but, when the whole of the Peninsula, except Cadiz, fell into the possession of France, they declared themselves independent; this was done by the Viceroy Cisneros. But the final and great act of 1816 flowed from the people; they then declared themselves independent of Spain and the Bourbons; established a Government for themselves, and have ever since enjoyed the most perfect exemption from everything like foreign control. They now appoint their own Executive Magistrate, their legislators, their judges, lay taxes, raise armies, and build navies, with which they not only secure their own independence, but diffuse that blessing over the neighboring Governments of Chili and Peru. They are more independent than we were at any one moment previously to the peace of 1783. Their soil is free from the pollution of a foreign hostile foot; and, if it be said that they have their factions, so had we ours. We had, in addition to our foreign foes, our tories and domestic traitors. But it is objected that the provinces are not all united under one Government, and that Artigas is in possession of the province of Montevideo. But the possession of Artigas is not the possession of Ferdinand; the whole of the Banda Oriental is as free from his authority as Buenos Ayres itself; and the sole question at present is as to the independence of Rio de la Plata of its

former European master. The freedom of Venezuela, New Grenada, and Mexico, is, unhappily, less assured; but they, too, have declared themselves absolved from the tyrant's yoke. Many years ago the Executive of the United States laid before this House the Constitution of Venezuela, and a resolution was adopted by the committee to whom it was referred, declaratory of the interest this House felt in their success, and promising to recognise them as independent when they should take a stand among the nations of the world. In regard to Buenos Ayres, that happy period has arrived; and it becomes us to realize the hopes to which our promises have given rise. The fate of New Grenada has been various; it has sometimes enjoyed self-government, and has been again subject to the temporary control of the usurpers of its rights. The gentleman from Georgia tells us, that Mexico has been preserved to the royal cause by its own native population; that it has not been found necessary to send over foreign troops to secure its allegiance to its sovereign. But the gentleman forgot to inform us that Mexico has been always filled with European troops, and that the number already there rendered any augmentation unnecessary. But for the Europeans in Mexico, a dissolution of its connexion with Spain would long ago have taken place.

But, sir, for what purpose has the gentleman from Georgia dwelt so long and so earnestly on the motives of the people of South America for declaring themselves independent, and on the manner in which the struggle has been conducted? The only question is, whether they are or are not independent. But the gentleman is as mistaken in his views on these subjects, as it is unkind in him, professing, as he does, to wish success to their cause, to pass their conduct, distorted as it is, in review before us, when nothing renders such investigation necessary. The gentleman says, that their revolution did not begin on principles favorable to individual liberty; but I would ask, sir, what revolution ever did? What revolution ever stopped at the point to reach which it commenced? What revolution, at its origin, ever advanced the principles on which, in its progress, it was conducted? What revolution ever terminated where the particular grievances were removed which gave it birth? A candid examination of our own history will sufficiently elucidate these views. We did not commence our contest with the mother country with any avowal, whatever might have been the intention of the intelligent and virtuous, of a wish to throw off colonial subjection; far from it; our professions of attachment and fidelity to the monarch were never before so frequent nor so strong. We complained of trifling grievances; proceeded cautiously to remonstrances, then to resistance; declared ourselves, after a lapse of some years, independent, and ultimately overturned the entire fabric of that Government, which, in the beginning, we so often praised, and merely affected to disapprove in some comparatively immaterial points. So the South Ameri-

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can patriots act cautiously in regard to their former masters; profess, for a convenient time, entire devotion to their will, and take advantage of circumstances to effect the liberation of their country. But I acknowledge that individual freedom does not seem to be with their leaders a subject of sufficient concern, and perhaps on this point it is no more difficult to excuse them, than on that connected with their national independence. Let it be kept in view that they have two great objects to attain—the one, obnoxious to Spain, their national independence—the other, hateful to all Governments, except our own, individual liberty. As they, in common with all revolutionists, have found it necessary to mask their designs on the first point, so may it be politic in them to be as silent as possible in regard to the other. Where, throughout this enslaved world, are they to look for countenance or support, if they should dare to announce too openly their attachment to democratic forms of government? Will the combined despots of Europe smile upon their efforts? Can they look across the Atlantic for the cheering influence of approbation, when even here, in this Republic, they meet with cold indifference? Do they not perceive that the nations of Europe, although friendly to their independence, are hostile to their freedom? And may not this account, if it be true indeed, for the carelessness exhibited by them, according to the gentleman from Georgia, on the subject of individual rights?

But it is objected that the Provinces of La Plata are not united under one Government; and the gentleman from South Carolina suggests that whole districts of country are probably still subject to royal authority, or governing themselves independently of Buenos Ayres; this may or may not be the fact; but this is certain, that their distance, their want of population, their obscurity, are too apparent to have any effect on the present question. The gentleman from South Carolina adverts to a mistake of the Speaker, as to the number of the provinces of La Plata, and tells us that there are no more than thirteen, instead of twenty. Exclusive of the inconsequence of this difference, I would observe, that it is far from being certain that both the gentlemen are not in error. Like them, I have paid some attention to the geographical history of that country. My researches have led me to suppose that the Audiencia of Charcas, which includes the whole of the country sometimes called the Government of Buenos Ayres, and now the Government of Rio de la Plata, is divided into provinces, districts, and jurisdictions; that there are nine provinces, seven districts, and four jurisdictions—making twenty grand divisions, and some of these again are subdivided into smaller provinces. But it is not wonderful that these differences should exist on this and many other questions respecting Spanish America. It was the policy of the Royal Government to keep the world ignorant of that country, and to keep the inhabitants ignorant of each other. But, however all this may be, the inquiry as to the geographical divi-

ion of Buenos Ayres, is of no importance in settling the question of its independence; this rests on broad facts, some of which I have mentioned, and which are known to the whole world; they establish the independence of the Government of Rio de la Plata beyond all dispute, and it remains now to be asked, whether we ought or ought not to acknowledge that independence? The first question that naturally presents itself, is, whether it is the custom of our Government to acknowledge the independence of independent nations? There is no doubt of this fact. Is there a monarchy in the world, whose independence we have not recognised, or are not prepared to recognise? However little they may merit respect; however insignificant they may be in the scale of nations; however odious the principles and practices of their Government, their Representatives are greeted here at Washington with an attention the most flattering. Have we not an Ambassador from Ferdinand? I mention him as an odious monarch; and have we not one also from Louis XVIII? And will it be for a moment contended, that Rio de la Plata is not more independent than France? Is Rio de la Plata in the possession of a foreign Power, and kept down by foreign bayonets, or is it self-governed? Yet France has her Representative here, while a more independent people are excluded from that attention and respect. Sir, if the Government of Rio de la Plata was monarchical, three months would not elapse before its independence would be recognised by the United States. I do not mean to say on account of its being monarchical; but in that case it would not be an object of hate and jealousy to the despots of Europe. They would acknowledge its independence, and we would then come in lagging on behind: we would follow their example. But the political institutions of that State are not legitimate; and, although the legimates of Europe have no objection to their independence of Spain, they do object to their undertaking to govern themselves, without the paternal assistance of Kings. For my part, I should wish, on such an occasion, to take the lead; I would exult, as a Republican, in viewing my own Government proudly taking ground for itself, and disdaining the most indirect dictation, or even imitation, of their sacred Majesties of Europe. I should like to perceive among us a little more of that sympathy for Republics, which they so strongly feel for each other; and as I think their policy wise in surrounding themselves with Governments like their own, I cannot help being of opinion, that we should be strengthened by the establishment of free governments in this Western hemisphere. Justice to ourselves requires this course. We ought not to hazard the loss of the affections of a nation struggling to be free. If we are cold and indifferent towards them, finding themselves utterly abandoned, when they had a right at least to respect and countenance, they will adopt the principles which, however injurious to their civil rights, secure them the smiles of monarchs, and separate them from the

infernal despotism of Ferdinand. Sir, under circumstances much more perilous, we have acted with more manliness; we have disdained to be drawn from that course which a due regard to ourselves, as well as to others, required. When France rose in the majesty of her strength, and broke the chains of a monarch's sway; when the Kings of Europe, terrified and enraged, combined to strangle in its birth the infant freedom of the world; when, so far from recognising, they clad themselves in armor to annihilate the Republic; when our aristocratic Minister at Paris gave us to understand that an acknowledgment of the Republic would prove fatal to our own; then, even then, comparatively feeble as we were, destitute of the population and resources which we now possess, the Executive formed the magnanimous resolution to receive the French Minister.

I beg leave to call the attention of the Committee to the very words of the immortal man who then presided over the Executive department; they deserve to be deeply engraved on the memory of every American statesman. In a letter at that time written to Mr. Morris, our Ambassador at Paris, General Washington observes: "That the right of every nation to govern itself according to its own will; to change its Constitution at discretion, and to transact its business through whatever agents it might think proper, were principles on which the American Government itself was founded, and the application of which could be denied to no other people." Do we not deny the application of this principle to the people of Buenos Ayres? And if it be the principle on which our Government was founded, do we not abandon it? Were they not provinces like ourselves? Have they not changed their institutions and their agents? If the principle be true in respect to ourselves, is it not equally so in regard to others? And do they not present precisely the case, on the happening of which General Washington considers the recognition of them as necessarily growing out of the elementary principles on which our own Government stands?

Sir, there was a party at that time opposed to the acknowledgment of the French Republic; the question whether a Minister should or should not be received, was submitted by the President to his Cabinet, as it is called. Mr. Hamilton and General Knox were opposed to receiving a Minister; Mr. Jefferson and Mr. Randolph in favor of doing so. General Washington, who had previously made up his own opinion, pursued the course recommended and sustained by the latter gentlemen. Mr. Genet was received. We did not wait for other nations to set us the example; we were not afraid of their displeasure, although they were all combined in arms to put down that Government; we acted as we chose, we acted as became the dignity of a free people; then the cry of danger, the alarm of war, which were incessantly rung in the ears of the public, were disregarded; we scorned the fear of punishment for exercising a right, for performing a duty. But it is a curious fact, and one that places our

present course of procedure in a most singular and unfavorable aspect, that the policy of Washington was denounced as timid and unfriendly to France. The Republicans of that day, at the head of whom stood our two last, and our present Chief Magistrates, were dissatisfied with the coldness and indifference of the then President towards a people struggling to establish the great principles for which we had so nobly contended. Who were right and who were wrong, it is not for me to decide, but General Washington received a Minister from France, when a political war was waged against her by all Europe combined. He recognised that Republic when it was outlawed throughout all the world, when our population was comparatively small, when our resources were insignificant; while we, at the present day, when there is no war against the independence of the people of Buenos Ayres, while they are not denounced or outlawed, when indeed their independence would be to the interest of all other nations; when our strength, physical and moral, is augmented to boundless resources; and above all, when there is no danger, we, I say, do not by any means go as far as that Administration, whose caution, as it was then called, was so offensive to the Republicans of that day; for what reasons and from what motives, I can neither comprehend nor conjecture.

But, although I have succeeded in proving the independence of Buenos Ayres, and in showing that it is agreeable to the usages of the United States to recognise the independence of independent Governments, yet it will be said that, in this case, we should deviate from our accustomed course, for fear of involving our country in war. If this were a sufficient reason, if it were very honorable to acknowledge ourselves deterred from doing what we have a right to do, from what we are accustomed to do, yet the reason is utterly unfounded in truth; for why are we to be involved in war, and with whom, no one can tell; there will be no war, there is no danger of war; in truth, war rages nowhere but in distempered imaginations.

Is it a cause of war that we acknowledge the independence of any Government whatever? It never was so considered. Consult jurists and historians—examine facts and theory—I venture to assert, that the simple recognition of independence, without aid or compact, was never deemed a cause of war, and never did produce it; the declaration of war by England against France, during our Revolution, has been frequently mentioned as proving the position for which our adversaries contend. A brief statement of facts will show how fallacious is such a conclusion. That France did not content herself with simply acknowledging our independence, but at the same time that she guaranteed that independence, and entered into treaties with us, that it was for her effrontery in making treaties with her revolted colonies that England resolved on vengeance, are facts as notorious as any in the history of that interesting era.

Ramsey tells us that, after the capture of Bur-

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goyne's army, the King of France determined to take us by the hand and publicly to espouse our cause, and that our Commissioners at Paris, Franklin, Dean, and Lee, were informed by Mr. Garrard, one of the Secretaries of the Council of State, "that it was decided to acknowledge the independence of the United States, and to make a treaty with them; that his most Christian Majesty desired the treaty once made should be durable; that he was fixed in his determination not only to acknowledge, but to support their independence, and that the only condition he should require and rely on, would be, that the United States, in no peace to be made, should give up their independence, and return to their obedience to the British Government." Conformably with these preliminaries, Louis XVI., on the 6th of February, 1778, entered into treaties of amity, commerce, and alliance, with the United States, and became the guarantee of their sovereignty, independence, and commerce. The alliance between France and America was soon known to the British Ministry, and the King and Parliament resolved to punish France for treating with their subjects. It will not be denied that here there was cause enough for war; but how different from all this is the proposition for the simple recognition of the independence of La Plata! But from whom are we to apprehend war—from the Spaniards? The idea is too ridiculous to be for a moment entertained. The Administration has given them quite cause enough for war already, by taking possession of, and holding a part of their territory, and that, too, in spite of the protest of their Minister. We are at this moment, too, invading their country in pursuit of Indians; the truth is, they cannot make war against us, and our Government know it. How can they do so—have they troops to spare? Why, they are unable to send a single regiment against some of their provinces; and their troops in those where they have any are diminishing daily. I do think we are in no imminent danger from Spain; but perhaps France may resent our sending a Minister to La Plata. Poor France, trampled, humbled, and subdued—I will pass by her—but England may be disposed to chastise us, if we countenance the rebel Americans. Now, I will venture to assert that there is not an intelligent man in the United States, that does not know that England is as much interested in the independence of South America as we are, that she has done more to promote it, and that, from everything that we can observe, she is as liberal, in all respects, to the great cause in which they are engaged as we can pretend to be. We may hush our alarms on that score—England will not make war upon us; from the present state of Europe, I believe we shall not have another war with that nation; I am sure we shall not, unless for a better cause than our recognition of the independence of La Plata.

Mr. Chairman, the combined despots of Europe cannot, as formerly, indulge themselves in the royal sport of arms; they cannot wage wars of amusement or ambition; they are sufficiently em-

ployed in keeping their own subjects in subordination. Admirable as their Governments may be, something like coercion seems necessary to impress that opinion on the minds of their people. The armies of Europe are not now intended to guard against, or to make foreign conquests; they are to keep their inhabitants in slavery, and the kings on their thrones; three millions of soldiers in arms are all necessary for that purpose; they have no occasion to look abroad for employment; they need not come across the Atlantic. Sir, the impulse given to the human character by the American and French Revolutions still survives; the principles of despotism and superstition are dead—they do not suit the age; they may be sustained a little longer by the force of bayonets, but the love of liberty lives in the heart, will again before long have utterance, and ultimately succeed and triumph. Blind, indeed, must that man be, who does not see in the large standing armies of the Governments of Europe, the fear—the just fear—in which they stand of those whom they rule and oppress. Sir, we may manage our own affairs in our own way, without the fear of kings before our eyes. They have enough to do to keep things in order at home; their vigilance is more and more necessary every day; if they relax, they are hurled from their usurped dominion. I rejoice in this state of terror and alarm, and I most seriously wish that many years may not pass away before sufficient proof may be given that their fears are not unfounded and visionary.

But, sir, admitting, as is, on the main, generally admitted, that war would not be the consequence of sending a Minister to Buenos Ayres, yet it is contended that we have no interest, commercial or political, in their independence—indeed, it is pretended that it would be better for us, that they should continue in a state of colonial subjection. Sir, I feel an aversion seriously to combat so vile a proposition. I cannot believe that the happiness of others is incompatible with our own—such a principle does not enter into the great scheme of nature—it is the pitiful emanation of counting-house calculation, and is as untrue, as it is unworthy of anything but contempt. Sir, the independence of South America is the common cause of all commercial Powers—for the question is, whether its trade, by the subversion of its independence, will be again monopolized by Spain; or, by the establishment of it, laid open on equal terms to all the world; whether it is our interest to participate in the commerce of the colonial possessions of Spain, amounting in exports and imports to two hundred millions of dollars, or to be excluded from it entirely. This is the view of the subject; for it must not be forgotten that a return of these countries to the state of colonies, brings along with it the concomitant effects of the monopoly enjoyed by the Metropolitan government. The commerce which we now enjoy would be lost to us; and when we take into consideration the number of our vessels already engaged in trade with the Atlantic ports, as well as those with, and without licenses, interchanging their cargoes with those on the

Pacific, we cannot even now doubt of its importance. Our navigation would be benefited by carrying for them a portion of their valuable productions to Europe, and returning to them the manufactures of that quarter of the world in exchange. In carrying our productions too, wherever we might obtain the means of purchasing commodities suited to their markets, our manufactures, too, if we become a manufacturing people, will then find additional demand; and I believe it may be also established, that our agriculture would receive essential benefit. It may be fairly assumed, that the price of the raw material will be enhanced in the proportion of the demand for the manufactured article; and the demand for the manufactured article depends upon the number, the wants, and the wealth of the consumers. Who can, then, deny that these facts depend materially upon the independence of South America? Independence will bestow upon the people every blessing—it will add to their numbers, to their industry, to their wealth, to their disposition and their ability to consume commodities, many of which will be manufactured from our raw materials—thus giving encouragement to agriculture; and, being conveyed to them by our vessels, adding to the prospects of commerce, and the prosperity of navigation. An estimate of the value of a free commerce ought not to be made from the present situation of this interesting and unfortunate people, depressed and poor, from the combined effects of superstition and despotism, habituated to privations, and ignorant of the importance of the world to them, or of themselves to the world. Their present value in the scale of nations is comparatively inconsiderable, yet their imports and exports exceed our own, and, when we reflect, under the colonial system, on the necessarily enormous price of imports purchased exclusively from Spain; or, if obtained in any other country, burdened and clogged with heavy duties, payable into the King's treasury, we may arrive at something like just conclusions. When looking into futurity, we find millions of slaves converted into freemen—their industry, their wealth, and their wants increased, the products of their labor augmenting in value, and the articles of their consumption diminishing in price. But I do not consider the direct pecuniary advantages to our country, however great and certain they may be, as of so much importance as the political and moral effects growing out of a liberal and manly policy towards that people. It will have a tendency to give us confidence in the firmness and virtue of Government—it will prove that it is not forgetful of the high character which belongs to us as a powerful and free people—that the reputation we have acquired, at the expense of so much blood and treasure, is not to be sacrificed by timidity, or an undue spirit of accommodation towards the monarchs of Europe—that we will do what our principles require, in spite of imaginary terrors, artfully excited by the enemies of freedom—in fine, that, cautious of giving just cause of offence, we will pursue the path of fidel-

ity and honor, in defiance of the views and wishes of those whose political institutions make them necessarily hostile to human happiness and human rights—that we dare at least do, what we are sustained in by right and truth, in favor of the liberties of mankind, without being deterred by those who promote, with unhallowed violence, at the expense of every sacred obligation, the dogmas of priestcraft, and the doctrines of despotism. And if we are asked by the officious and intermeddling representatives of kings, why it is, that we not only feel, but manifest sympathy for a people struggling to be free, let us refer them to their own unholy combinations, in support of the execrable principles of their government—let us tell them of their wars for thirty years past against liberty—that if the safety of monarchies in Europe depends on the annihilation of republics, the security of a republic in America will not be injured by other republics growing up by its side; and that, if they have presumptuously broken down, by force, whatever stood in the way of the establishment of tyranny, we may at least hope to be forgiven for going so far as to assert an abstract proposition in favor of freedom; for, sending or receiving a Minister from La Plata is no more.

Mr. Chairman, this firm and open course of conduct would be worthy of the excellence of the Government, which it is our pride and our boast to enjoy—it is due to ourselves. Gentlemen say, that the people of South America have no claims upon us. I do not advocate the measure under consideration, on any such ground. I do not believe, that the Government of La Plata has not only no claim upon us, but that they wish from us nothing but an acknowledgment of their independence—a measure, in justice, due as much to ourselves as to them. It gives me much pleasure to believe, that they neither wish nor require our aid. We have nothing that they want—they have money and arms, and a brave population, resolved to be free. They only wish to be placed, by a Republic, on a level with other established Governments. This we do not refuse to monarchies, and we ought to exult in an opportunity of being the first to do so in regard to a people, like ourselves, freed from the yoke of colonial vassalage. In the event of future wars, the political character of South America will be of much importance. If they are reduced to colonies, or seduced by the flattering attention of Kings, and driven by the cold neglect of the United States to adopt monarchical institutions, their weight, their wealth, their boundless resources, may all add to the torrent which may threaten to overwhelm us—but should they all ultimately prevail not only in establishing independence, but free Government, we, instead of Europe, would enjoy these advantages, or at least the negative benefit of their neutrality. That the commerce and independence of millions of individuals, occupying a country abounding in the richest productions of the world, should be unimportant and uninteresting to us, is an idea far beyond the reach of my comprehension. Such an opinion must grow out of an

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obliquity of views and perversity of intellect, peculiar to the few by whom it is entertained.

In the progress of this debate, sir, I have been very forcibly struck with a circumstance which I proceed to mention: The gentleman from Georgia is much alarmed at the strong and fearful proposition of the Speaker. And the gentleman from Georgia tells us, that he is decidedly in favor of taking possession of Florida, whilst the gentleman from Kentucky, on the other hand, objects to the proposition of the gentleman from Georgia, as being infinitely too hostile, and fraught with the very dangers improperly attributed to his own; whilst a large majority of the Committee seem to object to the propositions of both the gentlemen on the score of their belligerent character. Now, for myself, I think my course is clear. I agree with both the gentlemen—I would send a Minister to Buenos Ayres, because we have a right, and it is our duty to do so, and I think it also a harmless and inoffensive measure. And I would take possession of Florida—I would give the Executive efficient support—I would enable them, after having so clearly and so fruitlessly established our claims against Spain, to do the nation justice. I would prove to the world, that the many grievances of which we have for so many years so bitterly complained, were really felt; that the debt which was demanded, was really due, and that it should be paid. I would not suffer these things, so important to the rights and the character of the United States, to exist any longer as mere themes for diplomatic dexterity and discussion—I would after 15 or 18 years cease to write or talk about them—I would sequester the adjoining territory of Spain, till she agreed to do us justice—I would take Florida from Ferdinand, and give the same reasons for doing so as those which had induced us to take Amelia Island from the patriots. I would say it is an asylum for runaway negroes; that it is a means by which Africans are smuggled into the Southern States; that it furnished facilities for the violation of our laws, to the serious injury of our revenue; all these facts are as true in relation to the other parts of Florida as to Amelia Island, and true to a much more mischievous extent. But in addition to these reasons, I would state others exclusively applicable to Florida. Is not Florida filled with a population the most horrible to encounter, composed of negroes and Indians, who carry desolation and death among our frontier inhabitants? And is not Spain bound, by the solemn stipulation of treaty, to preserve us from the destruction which she now so calmly witnesses? Are the wrongs of our citizens, and the enormous expense to which we are driven to protect them from further injury, unworthy of consideration?

I would then take possession of Florida; and I would take possession of it openly, and above board: I would approach the subject by no indirect course; I would act in the face of the world; supported by conscious rectitude, I would be prepared to meet whatever consequences might ensue. And it is not the great and unholy destroy-

ers of the independence of nations in Europe, those who have reduced to their dominion whosoever they pleased, wherever situated, whether in America, Europe, Asia, or Africa, from whom I should apprehend reproof. Their conduct in regard to others, has indeed been black; ours would stand the test of the most scrutinizing examination. I think their objections might be successfully met by a short catalogue of their own acts; a concise recapitulation of their own ambitious and iniquitous practices.

Having now, Mr. Chairman, however unsuccessfully, attempted to show that the Government of La Plata is independent; that it is agreeable to common usage to acknowledge the independence of independent Governments, that such acknowledgment is not a just cause of war, and in this case could not produce it, I cannot but hope that the proposed appropriation will be agreed to. It will be considered by the world as an expression of the opinion of the Representatives of the people of the United States, on a subject of great importance; it will be considered in no other light. It is ridiculous to connect it with what the President has done or said; it will be viewed under a more important aspect—it will evidence the deep interest which is felt by the people of North America in the situation of their brethren of the South; it will add in after ages to our fame and honor; it will show that we at least are not indifferent to the political fate of man. Sir, I feel a warm interest in the future prosperity of South America; it ought not to remain in its present debased and humbled state. Nature has done too much for it to intend that all the blessings it has bestowed should be bestowed in vain; that its beneficent plan should be marred by a capricious tyrant. The diversity of its climates, its various productions, its peculiarly happy situation, lying between the other quarters of the world, with ports on the Atlantic and Pacific oceans; its large rivers and fertile soil, all give it a distinguished station in the universe. But, sir, it is said by the gentleman from Georgia, (Mr. Forsyth,) that its inhabitants are at present neither free nor fit for the enjoyment of freedom. I do admit, sir, that despotism has done much to disqualify them for the enjoyment of their rights, but I will not believe that they are intended, by an all-wise Providence, to remain the slaves of kings and priests. I believe, I hope the gentleman is mistaken; I do hope that we are not the sole depository of all the freedom that survives—the ark that floats alone on the universal deluge.

Mr. SMITH, of Maryland.—The motion now under consideration, is to appropriate a salary and outfit for a Minister to La Plata. This course of conduct on the part of Congress would be novel and wholly unprecedented. The Constitution has given to Congress legislative powers—to the President the direction of our intercourse with foreign nations. It is not wise for us to interfere with his powers; his plans may be digested with wisdom; our interference might destroy them, and, perhaps, at the moment when they would otherwise have succeeded. Each branch had bet-

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ter confine itself to the duties assigned it by the Constitution. Much offence was given by the President, by an opinion expressed, with the best motives, in his Message, as to the powers of Congress to construct roads and canals. The Speaker expressed his sentiments on the subject, conceiving it to be an improper interference of our legislative rights—as giving weight to the arguments of those who concurred with the President on the Constitutional question. Is the motion now before you intended as a retaliation? Are we about to direct him in his duty, and to tell him what he ought to do? No, said the gentleman last up, (Mr. ROBERTSON,) we mean only to sustain him. I do not find that he requires us to sustain him; he appears to have taken his course, as it respects the colonies of Spain, with judgment and caution. He appears to have a sincere desire that those colonies should become independent, but he wishes first to know their true position. He does not think the information he possesses is sufficient. We are called upon to recognise the independence of La Plata, and upon what information? Certainly none sufficient to enable us to make up a wise decision on a subject so very important. No two gentlemen agree upon the state of the country, or the form of Government. We know not whether it is a Republic, such as ours, of the people; whether it is a military Government, or one by a Dictator. But we are told by my friend, (Mr. ROBERTSON,) that we should pursue the course of conduct adopted by General WASHINGTON with the French Republic. Well, Mr. Chairman, we consent. Did Congress, on that occasion, direct the conduct of General WASHINGTON? Did that Congress tell him, that he did not understand what he ought to do, and that they would instruct him? No, sir, they left him to exercise the powers vested in him by the Constitution—to the exercise of his own judgment; they sustained him by no act. Let us act in like manner by the present Chief Magistrate; he has not asked for our assistance—he has asked no outfit for a Minister to La Plata; when he does, it will be time to consider the subject.

The Executive is charged with an indifference—a negligence—towards the cause of the patriots. I cannot discover any; on the contrary, it is well known that, about six or seven years past, an agent, of intelligence, was sent to La Plata; that he travelled through all that country and Chili, and remained some years in those colonies; another agent is now there; and lately three commissioners have been sent by the present Executive; their object, to judge of the state of the new Power, of its capacity to maintain its independence, and to procure such other information as may enable our Government to form a correct opinion before we act. Why, then, not wait their return? Why precipitate a decision, before we are possessed of such authentic information as will justify a step that may involve the nation in war? The Speaker has told us that recognition is not cause of war, but that aid is cause of war; and he has referred us to the revolt from Spain of the United Provinces of Holland, and to our

own glorious Revolution. Let us examine the facts. When Queen Elizabeth recognised Holland she granted aid, at the same time she pursued no half-way measures—she generally acted with decision. How did France act towards us? In May, 1776, she sent an agent to London to confer with Arthur Lee; he informed Mr. Lee that the Court of France wished to send us an aid of 200,000 louis-d'ors in specie, arms, and ammunition, and what he wanted to know was, to what island it was best to make the remittance; that, to give it the appearance of a mercantile transaction, a small quantity of tobacco should be sent in return, as a cover, but that the remittance was gratuitous. It is well known that Beaumarchais (the French agent) drew from the public arsenals of the King, cannon, arms, and clothing, for twenty or thirty thousand men, and that they were actually shipped in September, October, and November, 1776; they were delivered to Beaumarchais, as if he had been a merchant, and he gave his assurance that they should be replaced; and he actually received from the King one million of livres in June following, which has been thought by many was to enable him to purchase and replace the military stores drawn by him from the public arsenals. The great aid of military stores and money, say three millions of livres, afforded by France to the United States, we know was known to England. The King of France, in his letter to the King of Spain, dated 8th January, 1778, says distinctly, "England has taken umbrage at those succors, and has not concealed from us that she would be revenged on us sooner or later." Those succors were given in 1777, were known to England, yet she did not go to war on that account; but soon after De Vergennes had declared to Lord Stormont, that France had recognised the independence of the United States, had authorized a commerce with those States, and were determined to protect it, war was declared. Here, then, it appears that the recognition was the cause that England did actually go to war. Holland gave us no public aid whatever; she even forbade us to ship munitions of war from her European ports; but she permitted our merchants to obtain supplies, and to trade openly with her colonies of St. Eustatia and Curacao. When Mr. Laurens was taken, his papers were saved before they sunk, and a recognition of our independence (perhaps a treaty) by Holland being found among them, war was immediately declared against her by England. From these facts I am induced to form an opinion, that recognition is a cause of war.

A comparison has been drawn to our disadvantage between the conduct of France towards us, when we were struggling for our independence, and our conduct towards the patriots of South America. Let us examine the subject with candor. France covertly permitted arms, &c., to be taken out of her arsenals for our use; she openly forbade her ports to our trade; would not admit our flag to fly in her European ports; but the secret agent (Beaumarchais) procured a private permission from the Farmer General to

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permit them entry. How differently have we acted towards the patriots? Our Government, for causes into which I will not inquire, made sale of a large quantity of arms to the merchants, who *publicly* shipped them, and arms bought from individuals, together with powder and other munitions of war, to South America, and thus took the lead of all other nations, in substantially aiding the patriots in their struggle for independence. The laws admitted all people freely to enter our ports and trade; the President might have permitted the laws silently to operate; he did more; he issued orders, lest any difficulty should arise, to the collectors to admit the vessels and flag of the patriots to entry; and I think the Spanish Minister protested without effect against that conduct. From this view of our conduct, I do not think we can justly be charged with doing less for the patriots than we ought to have done, or than France did for us.

The Speaker has given us a correct geographical view of the Spanish colonies, commencing with Mexico. He describes that colony as capable of producing some articles similar to the produce of the United States, particularly tobacco; but comforts us with his belief, that the people, not having heretofore produced it in such quantities as to interfere with us in foreign markets, they will not when they become independent. The Speaker knows that the article of tobacco was a monopoly in the Crown, and that its culture was confined to particular districts of country by the laws, and that little more than necessary for the mother country and colonial consumption was allowed to be raised; that a free export was not permitted. But when an independent Government shall be established, which I sincerely wish, new excitement will take place; agriculture will be free from all shackles; commerce will be open to all nations, and those oppressed people will make use of all the means that their fertile land will afford; and why should they not? Why wish them free and independent, and indulge a wish that their industry should be paralyzed, lest it should interfere with our interests? The Speaker has forgotten that the table lands of Mexico produce, in great abundance, the finest wheat; that flour is exported from La Vera Cruz; and that, if the people were encouraged, they could spare large quantities.

Mr. Chairman, I see, sir, that the Committee is impatient. I shall pass over New Grenada and Venezuela, and apply my observations to the object of the mission under consideration, to wit, La Plata. In a commercial point of view, of what service is La Plata to us? Of very little in time of peace; the produce of that country is the same as our own, to wit: breadstuffs, cotton, tobacco, &c. I know no article we can export to La Plata, except munitions of war; of them they have now a superabundance. In time of peace and tranquillity, they will not want even those articles. From La Plata we can import hides and tallow, the Speaker says, and specie. I believe they have no mines, and the specie

procured by them is from Peru; they generally, however, have had a large amount of specie in circulation, and, of course, it may be procured—but how? We cannot get their specie, hides, and tallow, without having something with which to pay for them; we can send nothing from our own country to buy specie, and the nations whose manufactures suit the people supply them direct, on better terms than we could do indirectly. The Speaker very justly observes, “that the ingenuity and enterprise of the merchants is very great; and he trusts that they will find some circuitous mode of arriving at the means by which the specie may be procured at La Plata; that the merchants have been under the necessity of calling at some European port for specie for the India and China trade;” and this is true, but then the ships always carried cargoes, on which the owners expected to make a freight to pay the expenses of the intermediate voyage. The difference in the price of specie between the market of Europe, and that of Buenos Ayres, would not pay the expense and loss of time that would happen to a vessel bound to India, for stopping at that port, and it would scarcely be an object for a vessel to go in ballast from the United States with bills of exchange to purchase hides and tallow; the distance is too great. Few of our merchant vessels frequent Buenos Ayres; and the merchants who have had funds there lately, have been under the necessity of employing English vessels, in many instances, to bring the hides and tallow of that country to this.

The Speaker has informed us that the people of La Plata cannot become a navigating people; and, of course, he can never interfere with our carrying trade. He says, they are too near the sun to become seamen. I have always understood that navigation had its origin among the people who lived in warm climates. The Malays live directly under the sun, and are believed to have carried on navigation in former times, throughout the whole of the Indian seas; their language was a kind of *Lingua Franca*, when the Portuguese first discovered the way to India. The Arabs filled at that time, although near the sun, all the ports of India. Tyre and Carthage are both nearer the sun than Buenos Ayres; and their people were the greatest navigators of the then known world; but Buenos Ayres is, I believe, no nearer the sun than we are at this moment. It is in about the same latitude south that the Chesapeake is north. La Plata will support her independence; and, I hope, will (when at quiet) establish a good form of Government. If it be a Government of the people, the mind will be free to act, and the consequence must be, that they will, in a few years, have ships of their own. Yes, sir, they will build ships; will extend their commerce, and will become their own carriers. Why should we doubt it? Who would have supposed, in 1790, that the United States would in 1806 have been the second navigating people in the world; that we should at this time have nearly one million and a half of tons of merchant vessels, including the

coasting vessels. This great increase is owing to our free Government and wholesome laws. With such a Government, the people of La Plata will soon be a navigating people, and in twenty or thirty years, may have a fleet equal to that we now have; and, if they should, we may at some future day defend the liberty of the seas, acting in concert.

The Speaker has said that Spain cannot go to war—that her finances are in too ruinous a state. He tells us that he derives this information from Mr. Garey, the Minister of Finance, who has drawn a picture of their finances, not unlike that of Mr. Dallas's report of the finances of the United States. Yes, sir, Mr. Dallas boldly told us our situation, and we profited by knowing the truth. Mr. Garey has as boldly told the truth to the King of Spain, and what has been the consequence? Why, the King has lessened the public expenses, by discharging a host of custom-house officers; for every town in the interior of Spain had its custom-house; now they are only to be seen on the exterior of the Kingdom. But the great object of Mr. Garey was to show the King the indispensable necessity of compelling the nobility and clergy to pay their fair proportion of the public burdens. The King has done so. This has brought in a large addition to the treasury. The clergy had remonstrated, but without effect. I state these facts to affirm the observation of the gentleman from South Carolina, to wit: that we ought not to place too great a reliance on the defect of the finances of a nation of whose resources we know so little. They must be low indeed, if, in our recognition of one of her colonies, Spain does not declare war. The Speaker tells us, truly, that if Spain should declare war, her possessions—to wit: Cuba, Florida, and Mexico—will be endangered. I have no doubt they would, for I presume we should not carry on a *quasi* war. We could do Spain little injury at sea, for she has very few vessels afloat. Our commerce, however, would be greatly exposed on the ocean. Our flag floats on every sea, and unprotected, (as it would be,) would afford an abundant harvest for the privateers that would be put to sea from Spain, manned by the seamen of all nations, and owned by the merchants of many of the European Powers. And in return for the sacrifice of our commerce we would take Florida, might attack Cuba, and carry our arms into Mexico, through I know not how many hundred miles of wilderness. These would be extensive enterprises, and not a little expensive. The success would be doubtful. At least, you could not attempt such a conquest with less than twenty or thirty thousand men. If the Mexicans joined your army, there might be a chance for success; if not, few of your army would ever return. I do not find that any gentleman has thought of providing the means for war. In case the motion should obtain, no one has an idea of renewing the taxes that we have lately repealed. No, sir; we take a step that would compel any nation to declare war that had the means. We comfort ourselves by saying that Spain cannot go to war,

and therefore all preparations on our part are unnecessary.

The Speaker has given himself much trouble to convince the Committee that England will not take part in a war, on the side of Spain, against the United States. Why, sir, England has commenced many foolish wars; but I cannot believe she would commit so great a folly. Spain and the United States at war—Great Britain neutral! What would be the consequence? Insurances in American ships and seamen's wages would rise.—Freights could not be carried on equal terms; and English ships of course would become the carriers of all the produce of the United States, while our vessels would be laid up to rot at our wharves; your sailors would be compelled to go into foreign service—they would be lost to their country and to our Navy; no youths would be trained to the sea. A war with England would be preferable to a war with Spain, and England neutral. England would be precisely in the situation that we were for many years of the late wars—to wit: carriers for all Europe.

Mr. Chairman, I recollect to have seen, many years ago, a print. The principal object was a beautiful cow. In her front were two men—one in white, the other in scarlet; swords drawn, and fighting most furiously, while a fat Hollander sat with a milk-pail under the cow, milking quietly, and looking up at the combatants with a smile, mixed with pleasure and contempt, at their folly. In case we get to war with Spain, the Englishman will milk the cow, and with justice laugh at our folly.

It may not be improper, Mr. Chairman, to look at our trade with Spain. We annually export to the dominions of Spain eight millions five hundred thousand dollars value of property—to wit: four millions five hundred thousand domestic produce, and four millions foreign—nearly the whole of which is carried in our own vessels. The domestic consist of bulky articles, and require a large quantity of tonnage, in proportion to their value; they consist of tobacco—principally from Kentucky; that kind is preferred in Spain to any other, except their own colonies—flour, rice, Indian corn, fish, naval stores, lumber, peas, beans, furniture, carriages, boots, shoes, hats. And, in addition to the above value, a number of vessels are annually sold to the Spaniards. We risk all this valuable commerce by the motion. And what article can we supply La Plata with, in case she becomes free? I have already stated, that I do not know one solitary article of our produce that could be sold for first cost in La Plata. We have just been relieved from an expensive war, and have a large debt to discharge. The people are happy and content—they have been relieved from the direct and internal taxes—and I am not willing to do any act that may lead us into a war, and make it necessary again to impose similar or perhaps higher taxes on my constituents.

We are gravely told by the Speaker, that there is no difficulty in appropriating for a foreign mission to a Monarch, but one to a Republic is not so easy to obtain; that our Government cringes

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to crowned heads, and had sent to Sweden and Holland Ministers Plenipotentiary, when those Governments had only sent *Chargés d'Affaires* to the United States; and that our Government had acted in like manner towards all the Monarchs of Europe. Mr. Chairman, if I recollect correctly, those acts were done during the time of Mr. Madison, nor did I know that they had ever before met the Speaker's disapprobation; on the contrary, I should have believed they had been approved by him. However, the Speaker will be pleased to know that both will soon return. No Minister has yet gone to Austria, although, it is well known that the Emperor is anxious to encourage our commerce to his dominions. Denmark has had a Minister in the United States for many years; our Government has not returned the compliment. Holland sent a Minister Plenipotentiary to the United States (Mr. Chauguion) and in return the late President sent a Minister of equal grade. Holland withdrew her Minister, and sent a *Chargé*, and I understand the present President means to act in like manner. It appears thus that no censure attaches to the President now in office, on that subject. The Speaker tells us that Prussia has sent a Minister to the United States, and that our Government will return the compliment; and for what? he asks. Prussia, he says, has only two miserable ports on the Baltic. The Speaker forgets that Prussia has lately obtained Swedish Pomerania, and enjoys a seacoast of more than sixty miles, from Mecklenburg to the confines of Russia, including many noble ports; among the number, the great city of Dantzic, the Stralsund, Königsberg, Stettin, and Memel; that we draw from Prussia linens of all kinds, to a large amount, and pay her in tobacco, cotton, sugar, coffee, and tea, and other articles of our surplus importations; and yet I have not understood that our Government intends to send a diplomatic agent there immediately.

Mr. Chairman, it is the duty of the President to endeavor to extend the commerce of our country; and whenever he can do so by the sending of a Minister, I believe he will. It might be important to send a mission to Constantinople, and by treaty cause our vessels to be admitted on equal terms with other nations; at present they are not.

Mr. Chairman, I think I have shown that the conduct of our Government towards the patriots of South America, has been liberal and proper; that recognition by France and Holland of the independence of the United States, was the cause of England declaring war, and of course that recognition is considered as cause of war. I have endeavored to show that we have not yet such information as to the situation of La Plata, as would justify us in taking a step that would probably lead to war; that the President has pursued the proper course to obtain correct information, and that it is prudence to wait the return of the Commissioners before we act.

Mr. FLOYD, of Virginia, rose, for the purpose of offering his view of this interesting subject, to the consideration of the Committee, in support

of the amendment proposed by the honorable Speaker; and said, as he knew the House must be weary at this late hour of the day, the only apology he could make, was, that he would not detain them long. I am, said he, strongly impressed with a belief that an appropriation of this kind would well comport with the disinterested views of this Government, and would enable the President at any time to do justice to this Republic, which has achieved an object so glorious to itself, and of such signal benefit to mankind. The present is a favorable moment, when our affairs are prosperous and quiet—the world calm, and no political ebullitions to distract us. This would be the safe course—the dignified course—dictated by the true policy of the United States, and one calculated to free them from the odious doubts and suspicions of partiality, which have been cast upon them, and would place their conduct in a high point of view, both for magnanimity and justice.

The spectacle presented to our view is sublime and wonderful; a brave people, disdaining the shackles of a foreign despot, wading through rivers of blood to erect their constitution upon a firm basis, which will secure to them the enjoyment of personal liberty, and give them a stand among the nations of the earth, as free and independent. Through the storms of revolution, their institutions have been purified. Warring now to maintain their freedom, they appealed to this nation for justice, and ought to have demanded our attention. This nation, free as air, cannot envy the enjoyment of the world besides, will bestow a part of its deliberations upon that appeal; nor now refuse to listen to the dictates of justice, of policy, or to the cries of suffering humanity, in adopting this amendment; that the appropriation may be made; that justice be dealt out with an even hand—as I should be sorry to believe the United States could at any time so far forget the great principles of equal rights, equal liberty, and equal law, as to give the smallest grounds for complaint to any nation, and surely the situation of these people entitles them to this appellation.

The civil dissensions which for some time so convulsed the Spanish monarchy, have at length assumed a determinate shape, and war is now no longer the war of revolution, or a civil war, but the efforts of contending Governments. This young Republic, powerful in its resources, recovering with renewed vigor from every disaster, believes herself justified by the law of nations, in demanding a recognition of her rights as a free and independent nation.

Spain, bloated with pride, inherited through a long line of ancestors, is incapable of imitating the noble and magnanimous conduct of Great Britain, who, after seven years of war with us, came forward as Great Britain ought to have done, and acknowledged our independence. Yet that Monarch, who boasts the sun never sets upon his dominion, parts with reluctance from the smallest piece of soil, and wars by withholding his assent to independence, when hostilities have ceased, through inability to prosecute them. Mises-

nable as she is, without resources, without finances, bankrupt at home, that monarchy still lingers, like the gamester, upon the delusive hope that a fortuitous concurrence of circumstances may again bring under her dominion half a revolted world.

And now we are told by the honorable chairman of the Committee of Foreign Affairs (Mr. FORSYTH) that he is unwilling to make the recognition, because it will interfere with our dispute with Spain. Surely that ought not to weigh with him from whom, recollecting his declaration a few days ago on this floor, it is expected some strong measure will be proposed with regard to Spain. Is it a declaration of war? then why should he oppose this recognition? Is it a proposition to take possession of Florida? Why in that case should he oppose it? rather ought it to be a cogent reason for adopting this measure. Yet, inadequate as Spain is, to a task so unequal as that of reducing a Government fully organized since their revolution, and exercising the rights of sovereignty for years, building fleets, raising and equipping armies, and marching them to distant provinces to finish there a work which themselves had consummated—notwithstanding these strong and decided proofs of independence, exhibited in the fullest powers of government, unmolested by hostile troops within their territory, still we hear of Europe; as if, to measure justice, we should consult the frowns or smiles of another continent!

From some cause or other, lively apprehensions have arisen in the mind of the honorable chairman of the Committee of Ways and Means, (Mr. LOWNDES,) that an acknowledgment of this kind might involve us in national difficulties. Can he, of all others, who is so well acquainted with laws of nations, hint this result of an acknowledgment, admitted by all the writers on that law, to be no cause of war? Whilst I would, with the most scrupulous care and exactness, avoid what might endanger the tranquillity of my country, I would likewise avoid whatever might give a pang to this budding Republic; and if to pursue the right, and administer strict impartiality and justice, cannot secure to this nation her amicable relations undisturbed, it would be madness or folly in the extreme, to believe any course free from the dangerous tempests which as often arise from mistaken policy as conflicting interests. I am sorry that gentleman (Mr. LOWNDES) has insinuated that the proposed measures was in hostility to the Executive; it is to be lamented that any such opinion should have escaped him; from his usual benevolence it was not expected, and if anything has been contemplated of that kind, he might have spared those who advocate the measure from honest convictions. But against any such motive for myself I utterly protest, nor do I believe any such motive to have actuated the honorable mover of the proposition. I have been impelled by the convictions of my own mind, and, whilst ever I have the honor of a seat in this House, such only will govern me.

In this fear of giving offence, and this zeal to

convince the nations of Europe of the rectitude of our intentions, are we not bound to take care of the interests of America, that she should not complain? As she has already been considered, and that too by high authority, as engaged in civil war, a situation in which all know, that in justice each party is entitled to equal rights and respect; and, as seems manifest, warring to maintain an independence which she has already wrested from the iron grasp of oppression, and ought to be regarded by the world as the germ of general emancipation. Clear as these facts seem to be, we are told, with a doubtful inquiring look, as if listening for danger, that we are observed by Europe, and that we should not excite their jealousy or distrust, as if the justice of nations was the result of fear; I know, too, there are many excellent men whose feelings are enlisted for these brave patriots, struggling against a Power which still annoys them, who pause in their decision because this Hydra Europe is constantly presented to their view. Sir, it will be a black and sorrowful day to this Republic, when this imaginary course of Europe is to be held over its deliberation like a lash of scorpions to goad it on to anything or stop it in its course. Can that alarm the nations of Europe which is bottomed upon the law of nations, since they have been so lately engaged in apportioning that plundered continent, without consulting our jealousies or our fears? For my own part I cannot imagine such fears—radically inimical as I am to an interest which of late had nearly involved us in ruinous difficulties; I have too high an opinion of the quick sagacity of the British cabinet, not to believe they would discern their own unequivocal interest in doing this act of justice. The fears of Europe! What can the petty States of Italy fear from our acknowledging the independence of the Republic of La Plata? These wretched Governments, enveloped in the legitimate fogs of Europe, are unseen in the scale of nations. What can Russia fear? Surely none can be so politically bewildered, as to believe she can fear anything; she has her views nearer home; with a boundless extent of territory, comprising one-twenty-eighth part of the whole surface of this huge globe—a population so vast as to overturn, like a resistless torrent, everything which opposes it; still anxious to extend her dominions to the South, and acquire territory on the Mediterranean; she will before long give employment to her neighbor there, and it were well for the Powers of Europe to look to their own safety in time. Could England view a measure of this kind with jealousy or suspicion, when at this very instant efforts are making throughout Europe, not loud, but deep and dangerous, to exclude from their markets every species of her manufactures? Witness the conduct of France, Holland, Sweden, Russia, and other Powers, as it regards the cotton manufactures. Witness the large private associations in these countries, binding themselves by the solemn obligation of an oath, to use their every effort to exclude from their country the use of British fabrics of every

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description. This, sir, is a continental system more terrible to England, or soon will be, than all the colossal power of the Great Napoleon, enforcing the same object. Is it not rather her true interest to support this infant Power, even with arms, where she will find a tenfold market for her merchandise, unrivalled, and increasing perhaps for one hundred years? These then are the only Powers which have any concern in these events. The rest of Europe is a mere mockery upon the independence of nations. Germany and Sweden, with her Bernadotte, any-thing Russia pleases, and Prussia almost an appendage—Holland and Portugal at the disposal of England; and Spain, reposing in the embroidered arms of the adored Ferdinand, dissolving by a political hectic, unpitied by the world; and France, lately the gaze of admiring millions, guided by the overwhelming genius of her Emperor, is now little else than the great garrison of Europe, with a pageant King in splendid misery in the midst of it.

But Russia, true to her own interest, has not been inattentive to the great events which have been evolving themselves in South America; her attempt to acquire territory on the Gulf of California, and even, if the news be true, upon our very borders, is a proof of this; she is willing to acquire territory by every change, and every event, for territory has been the hereditary mania of her monarchs. Unwilling to commence hostilities at all times, disappointment only results in new efforts on new objects, at distant and different points, which must eventuate, if permitted by the Powers of Europe silently to progress, in her controlling the commerce of the world. England, actuated by different motives, has approved, by her conduct, and fostered those brilliant successes, by which the patriots of South America have raised to fame a column of glory so bright, as to shed a blaze of renown over half the world, and has embalmed forever the name of her heroes.

What have we done? The honorable chairman of the Committee of Foreign Affairs (Mr. FORSYTH) tells us that the patriots captured a vessel belonging to a citizen of the United States, and refused others employment in their service; that the only sympathy felt is felt by us; that the sympathy is all on our side. Then, sir, I must say they are languid indeed! for instead of those vivid sympathies which should have watered with our tears the rosy bed of immortality, on which sleep many of the heroic defenders of that Republic, we passed an act, like an one-eyed warder upon the watchtower, who sees only on one side, and calls out "all is well," whilst danger and ruin nearly approaches on the other. Sir, if our apprehensions prevent us from doing them justice, let them not induce us to do injustice; let us not impede their high destinies by a law which operates unequally, since that wonderful wisdom which willed the destiny of empires hath willed it so, for the happiness of America and the safety of Europe; else if Spain, a few little years ago, had seen on her throne a monarch such as

he who now sways the ponderous sceptre of Russia—a man whose talents and sagacity were equal to the population, the wealth, and the extent of her dominions—the crash of falling thrones would have resounded throughout Europe, and their legitimacy, instead of a protocol, would have been thundered from her cannon's mouth. If, Mr. Chairman, the United States shall turn from this question, other nations will not; England, more generous than we, will do them justice, and reap the fruits of their grateful benedictions. These colonies, for a long time settled for the purposes of commerce, had no political existence, or any part in the great agitations of the world—too distant from the mother country to feel anything of national prejudices or predilections, they have become a new people, under the influence of a different climate, where the productions, the scenery, the physical conformation of the country, and even the very sky and the stars of heaven are so different, that nothing of the Spaniard is left but the name, and that now no more.

In vain has the fond remembrance of their forefathers endeavored to cherish the recollections of their youth, by giving to the hills, the valleys, the rivers, and mountains, of their adopted country, the names of the places of their childhood. These names no longer produce a forceful feeling; the heart has ceased to vibrate at the sound; the meaning unknown to the present generation. Under this different climate, new habits, new wants have been generated, national remembrances have been obliterated; all is new, all is changed.

Heretofore the young American, accustomed to hear his country contemned and despised, had no incentive to action. He had been told that in America all was degeneracy, all was savage, barbarous ignorance; and grave philosophers and naturalists have written books to prove the fact. Notwithstanding, he was prohibited from going to the mother country to enlighten his mind by an education, and by their inexorable laws forbidden to go even from one province to another. Thus, like a vegetable fastened to the soil, was he doomed to live, to die, and disappear forever, not even leaving a trace of his ever having existed.

Unable to govern himself, all officers of Government, of every rank and condition, have been sent him from Europe, to administer justice to him in his peaceable repose; but, sir, at the very sight of those officers they turned pale, and trembled at the sound of Spanish justice.

Thus have they lingered on, a listless life of acquiescence and patient resignation, for three hundred years, until this bright beam of liberty broke though the dark cloud of royalty which had nearly overshadowed them forever; but which, I trust, will light them to peace and to happiness as it has to independence.

If there are any doubts about their independence, from the circumstance of a part of Chili being still occupied by the royal forces, and a force of native Americans under Artigas opposed to the Republic, as stated by the gentleman from Georgia, let those doubts be dissipated when it is

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remembered, that, late in our own Revolutionary war, when the chances in the minds of many good men nearly poised between independence and subjugation, the celebrated battle of King's Mountain was fought between Whigs and Tories—a battle which has crowned the names of Campbell and of Shelby with immortal glory—a battle which measurably decided the fate of this Republic—nor let us longer doubt, when we reflect, that, by nature, every man in America is a General for enterprises like these. American wiles and stratagems, quick advance, attack, and fight, insure success; the slow and expensive formalities of European warfare, defeat.

These unfortunate people, sunk in despotism, have borne the contumely of all nations for their Spanish gravity, jealousy, and suspicion; but had even this been examined with indulgent kindness, it would have been found to be the mark which distinguished the slave of every country. This national gloom stamps itself upon the face of every Spaniard as soon as he is capable, from his own reflections, to distinguish that the tyranny of his Government, haunted continually by the phantoms of the imagination, has envired him with racks, and tortures, and the inquisition, where a living death of suffering awaits more terrible than all. He dare not speak—he knows not but that every one who hears him is a spy upon his conduct—silence is his only retreat—his liberty, his property, at the disposal of any clandestine informer—his life, his reputation, his honor, at the disposal of an implacable priest, who knows no mercy or forgiveness. Well might they exclaim, with a rapturous fervor, Oh! for a revolution—it were celestial happiness compared with this!

If, in the commencement of this conflict, many bloody and revengeful acts have been committed, the noble spirits who direct the revolution cannot be implicated, or their cause condemned, nor ought it in justice to be used as an argument against them. The horrors of our own Revolution afford us proof of this, where the father and the son have been armed against each other—where cold-blooded murders have been perpetrated, butcheries and indiscriminate massacres of men, women, and children, because they were Whigs, or because they were Tories. These things, it is true, happened only in certain sections of the country, but they did take place; we have heard but little of them; the English historians seem disposed to cast a veil over them, and the American at this time is not disposed to tear it aside; then, in such a state of things, can we wonder if, in the fury of contending armies, these generous patriots should have left unpunished crimes, which, in other times, their gentler natures would have wept at with tears of the bitterest sorrow? These things should not be attributed to them, but to their true source. Attribute them to that frenzied Power which sees nothing but the bloody dagger before it, and drives the most unresisting temper to madness and despair. The South Americans are now free, and long may the blessings of a republic attend them; for I am

happy in being one of those who believe the liberties of a republic can be enjoyed by a Spaniard, or by anybody; the enjoyment of freedom is not peculiar to any nation; all will admit that the Greeks once had it; the Romans, the Dutch, and many others, as dissimilar in their national characters as the English and the French. Consult the annals of the world, and I believe it will be found, that, wherever men are capable of making an effort to obtain their freedom, they are capable of enjoying it. Then why not have the benevolence to allow these brave patriots at least a capacity for freedom, since they have given so strong a proof of it as to establish their Government through revolution, and maintain it in war?

If, Mr. Chairman, the law of nations is to be regarded by a just people; if the political whirlwinds which, for some time back, so desolated the civilized world, has left them anything but a wreck, or the hopeless resort of the weak and the impotent, I would say, that, whenever a contest became doubtful between contending Powers, without any regard whatever to the manner, cause, or origin of that contest, the world at large has a right to consider them equal, and even decide between them, if necessary, and is bound to extend to the one all the other had a right to expect. The case of James II, King of England, is a clear illustration of this position, and is acknowledged by all the writers on the law of nations as correct; and if a case more strong were necessary, as being a parallel in all respects to the present, I would cite that of the revolt of the Low Countries against Philip II, King of Spain, of "exterminating" memory, already spoken of by others, but with different impressions. Their independence, they declared, was acknowledged by Elizabeth, Queen of England, the wisdom, moderation, and justice, of whose government, is celebrated and acknowledged by all, even at this distant day, and places her among the most illustrious monarchs of the world. Philip remonstrated; her answer was—the law of nations gave her the right, and her interest prompted her to acknowledge their independence. Philip was content; nor did he even require his Ambassador to leave London. And is not England now precisely situated as she was then—the same necessity, nay, stronger inducements of interest? And will the present monarch, instructed by history, be less wise?

An honorable gentleman from Maryland (Mr. SMITH) has told us that the trade of the United States would receive no benefit from that country. He has told us that the article of wheat has been brought from Chili round to Brazil, or the West Indies, and sold at a lower rate than it could be taken from the United States. I would ask what the price of wheat has to do with the acknowledgment of the independence of those Republics? The inquiry has, too, been made with an air of triumph, what the United States would gain by an acknowledgment of this kind? I will not retort the question by asking what we could possibly lose by the acknowledgment; but I would ask, if it is a thing they, by the law of

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nations, have a right to give, without doing injustice to Spain, or any Power whatever, why not grant the request?

But, sir, I contend that the United States would gain, and gain essentially, too. Certainly nothing could be more desirable to this nation, so full of enterprise, than a free and direct trade to these countries, the most luxuriant and extensive in the world; so rich in everything we want, and containing such inexhaustible abundance of the precious metals, and needing many things we have to spare. There is the strongest probability that our exports, instead of sixty or seventy millions, would be increased very many millions, and would be much benefited, were it only from the advantages of our contiguous situation. Nor can I perceive the force of the remarks of the honorable member from South Carolina, (Mr. LOWNDES,) luminous as he is on all subjects, when he tells us that injury will result to us, as our trade to that country, when compared with the trade of Great Britain to the same place, is, according to the little book from Philadelphia, in the ratio of one hundred thousand to seven millions. Surely, if we cannot receive all or most of the benefit, it cannot be a reason why we should not receive some benefit.

But the grand object and advantage would be in systematizing a policy for America; that we might be disenthralled—that we might not feel the effects of that political plexus which has so entangled the nations of Europe, by producing those intimate connexions and combinations by which the movements and operations of one Power are so felt by all, as to influence their councils, and produce corresponding motions. When now we negotiate, it is in Europe; when we are inconvenienced here, we send off an Ambassador there; they are governed by the principles and policy of continental Europe, and not by anything here. Do difficulties arise in Canada, they are adjusted in London. Do the same difficulties arise in Mexico, the province of Texas, or in Florida, it is settled in Madrid. Thus are we compelled to negotiate all our affairs upon the basis of European policy, because even the best interests of the colonists must give way to the policy of the mother country.

But when the independence of the South Americans shall be acknowledged, and they take their stand among the great nations of the earth, there will then be an American policy, and an European policy, which may, in negotiation upon just and honorable principles, be fairly opposed to each other. Nor does it militate against this position, whether, in the end, these governments shall be imperial or royal, instead of republican, which they now are. The great interests of America will be the same; and if, unhappily, difficulties should arise exclusively on this side the ocean, there will be no European convenience to consult, delay, or obstruct their adjustment in terms of complete reciprocity.

To acknowledge now the independence of South America, while the United States is writhing under a thousand wounds, each a sufficient

cause of war, is the strongest proof of this nation's aversion to that state of things; and Spain cannot otherwise than receive it as a new proof, on the part of the United States, of their love of peace, and friendly dispositions towards His Catholic Majesty, when they will do justice to others promptly, and seek it for themselves, through years of patient negotiation.

I will not now revive the long train of injuries and injustice of Spain, inflicted upon us even from the Treaty of November, 1782, with Great Britain. I will not recall to the recollection of this House, that, a very few days ago, we were debating on this floor, with much earnest solicitude, the Georgia claims; I will not remind them that it was expenditures Georgia was compelled to make to secure her inhabitants from the tomahawk of the ruthless savages, invading her territory, and delighting in blood; I will not remind them that they were instigated to this by the infamous conduct of the still more infamous Baron de Carondelet, the then Spanish Governor at New Orleans; I will not inform them that she seized upon the territory of Georgia as high up as the thirty-second degree of latitude, and built forts on the Mississippi above that latitude, at the Walnut Hills. I will not remind the House that Georgia was a part of the United States, as acknowledged by Great Britain and Spain, an ally, or, at all events, as it regarded Spain, we stood, *quo ad hoc*, as Great Britain had done, and the Treaty of Peace compelled each of these Powers to surrender to each other all the territory taken during the war, except such as was specifically named in their treaty. I will not revive the remembrance of the many imperious, haughty, and insolent communications made to our Government previous to the Treaty of 1795. No, I will not mention these things; let them pass in silence, or as "a tale of the times of old;" but this I will say, and had I the power, the undulation should reach the shores of Spain, and echo on the Throne; that the deposite at New Orleans was taken from us without assigning us another place as such, in violation of the existing treaty. That the firing into the Firebrand, a national ship, was a violation of existing treaties. That the incarceration of Richard W. Meade, contrary to the laws of Spain, was a violation of existing treaties. That the confinement of Farro in the mines of Mexico for near nineteen years, was a violation of the existing treaty. That the confinement of Baird and McKnight, since the year 1811 or 1812, contrary to the laws of Spain, was a violation of existing treaties. That the capture of Choteau and Demun, far within the limits of the United States, and their subsequent confinement in the prisons of Santa Fe, was a violation of the existing treaty. That her permitting the British to land in her territory in Florida, during the late war, to arrange and plan invasions of the United States, was a violation of the existing treaty. That her permitting, at this very instant, the Indians, within her territory, to make war upon us, is a violation of existing treaties. That the letters of the Spanish

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Minister, written from this city, during the late war, to Spanish officers in South America, by which information was given to the enemy in the West Indies, was a violation of all law, treaties, and the usages of civilized nations, and would have hanged the most distinguished citizen of this Republic for a traitor. And I sternly demand, if the President of the United States has not been insulted by every Minister of Spain who has ever been near this Government? Has not Yrujo and De Onis insulted him, even while Congress was ready to hurl the bolt of war? These are the acts of Spain, accumulating with the returning year, and keenly felt by us, but only uttered in stifled groans of sorrow—some of them for twenty-six years. Sir, if the world wants a model of moderation and forbearance, the diplomatic history of the United States affords them ample and instructive lessons.

Mr. Chairman, I will not consume any more of the time of the House, and will conclude with this single remark, that, if Spain has been mistaken in her policy towards her colonies; if her system of tyranny and oppression, practised for so many ages, has at length driven them to acts of violence and of blood, she has but done that moral justice to herself which the world, in general, has long thought to be her due; for, surely, it is the vengeance of offended Heaven which has been awakened to punish this guilty empire; and, by this revolution, she must be torn from her foundation to expiate the horrible sacrilege she has committed, in defiling the temples of that God whom they pretend to adore, in calling upon his name, at the holy altars, with perjured oaths, to witness their treachery and deceit, when they were about to shed such oceans of innocent human blood, and with mockery, to sanctify the deed.

The millions, millions of innocent, unoffending, unresisting, victims, butchered by order of that court, to satiate their cursed thirst for gold, now cry to Heaven for vengeance, with the tongues of accusing angels.

But, sir, I am sick; my heart bleeds at the remembrance of that bloody page of Spanish history. Nor is there a man, whose bosom has ever felt one generous emotion, that does not feel his blood run back with icy horror to the heart, when he recollects the poor Indian, whose whole soul was a day of sunshine—ingenuous, noble, brave, disinterested—free as the winds which extend from earth to heaven, he slept upon the moss of the mountain, and leaned his head against a tree, and said: "This is my house—there is none to take it from me"—content to kill the wild animals for food, and pluck the simple fruit with which great nature in her sportive fancy had blessed his country; nor knew he of misery or distress until the Spaniard came. Then, oh! bitter, sad reverse! Butchered in cold blood; roasted and burnt for crimes he never heard of, or could not understand; hunted down like the wild deer of the forest; pursued by that foul, phrensiad, noisome thirst for dominion, into the swamps of the Oronoca, or tracked and torn by

dogs and blood-hounds from his mournful hiding places, in the almost inaccessible fastnesses of the mountains, whilst his bed, a rock in the cavern, streamed with tears of anguish and despair.

But the day of retributive revenge has come; cursed by those airy phantoms which flit before their guilty apprehensions, they have awakened their slumbering vengeance to wreak it upon the heads of their own descendants, because they have multiplied in the land of their original desolation; pursued and chafed by the heavy hand of a despot, spurned as degenerate men, despised as inferiors, their petitions scorned and chastised as the offspring of folly and discontent, their remonstrances treated as presumptuous insolence, almost crushed beneath a load of accumulating wrongs, they nobly resolved to be free, and are free, because they willed it.

Mr. JOHNSON, of Kentucky, observed, that the subject was intimately connected with the cause of civil and religious liberty. The cause in which the Spanish patriots were engaged, was identified with the freedom and happiness of twenty millions of people, and their posterity to the latest ages. The proposition is confined to a legislative acknowledgment of the independence of the Buenos Ayrean Republic, embracing the twenty provinces of Rio de la Plata, and tends to show, that a recognition of that independence, by the President of the United States, would meet the wishes and support of the nation. Such a legislative confession of the public sentiment, on a subject so important and momentous, in the estimation of many, he conceived was due to the Executive authority. It would be taking to ourselves a just portion of the responsibility of such a measure, and tend to strengthen the arm of Administration. It is not a little remarkable, that the opposers of this measure should be driven to the necessity of ascribing to its advocates a hostility to the Administration. But this objection has no greater weight than the others which have been urged against it, and which are made to this kind of legislative expression in any abstract form, and because it has assumed a form from which there may be some practical result. The main question, in debate, seems to be the expediency of recognising the independence of the Provinces of La Plata; this is the essence of the proposition submitted. The fact of independence has been doubted by some, and positively denied by others; but this fact is well established, and is as certain as any common event recorded in history; and we have sufficient proof that this independence has been maintained with a firmness and gallantry worthy of the cause. But an objection has been urged, that we have not been furnished with the precise territorial limits claiming to be independent. In such a struggle, and in such a vast extent of country, it would be surprising indeed if the precise boundary of the provinces had been furnished, and their limits accurately defined. But it is a matter of no consequence, and has no important or essential bearing upon the subject, because it does not, in the most remote degree,

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lessen the high claims of this suffering and meritorious people upon us, to recognise their independence. It must be known to these gentlemen, that our limits were as unsettled and undefined during the American Revolution; and, in fact, to this very hour, a controversy exists with both England and Spain, as to our true boundary line. But did this lessen our claim to independence during the Revolution? It was well known to all the world, that the Thirteen Colonies had declared themselves independent, claimed to be independent, and had maintained their independence as a sovereign State, in opposition to the power of England. It is equally well known, that the provinces of the River la Plata have declared themselves independent, solemnly proclaimed the fact to the world, and have maintained this independence in a manner which must claim the respect and admiration of nations. A distinct and separate government has been instituted; a legislative, an executive, and a judicial department has been organized, with the power to raise armies, build navies, impose taxes to defray the expenses of the government, without aid from Spain, whose authority has been destroyed. But it has been urged, from the last and most authentic intelligence, that a part of these independent provinces was occupied by the troops of the enemy; but this can have no weight. It will be recollected, that, after the severe and bloody battle of Brandywine, the British troops marched and took possession of Philadelphia, and held it; was it ever contended that this lessened our claims to independence? When we suffered a most disastrous defeat upon Long Island, the British forces took possession of New York and held it; but did this lessen our claims to independence? Previous to the capture of Cornwallis, Georgia, South Carolina, North Carolina, and Virginia, were in the military occupation of the British; did this lessen our claims to independence, or lessen the obligations of other persons to acknowledge it? No gentleman will surely answer in the affirmative. But, waiving these objections, the recognition of the independence of the Republic of La Plata has been pronounced a doubtful policy. Does recognition alone, without taking part in the war, violate the obligations of neutrality? Is it repugnant to the usages or the law of nations? Is it in opposition to the laws of nature, of reason, or of God? In short, is it inconsistent with the most friendly relations? The right of recognition has been admitted by all, not a doubtful right, but positive and undeniable; and the exercise of this right can be no just cause of complaint against us by Spain, or by any other nation, unless our independence is also denied. But the possibility of war with Spain, and, consequently, with some other European Power, seems to constitute the principal objection, with some, to this proposition. I say, the possibility of war, for no one has seriously contended that a simple recognition is either a just cause of war, or that it will produce a war; history does not furnish an instance, and bare assertion must not be received; but if it should be made a pretext of complaint against us, it is urged, that it is possi-

ble it may produce war, but it is certainly not very probable. The recognition of the independence of those provinces, sir, is not only a right, but, in my opinion, it is, on this occasion, a sacred and solemn duty we owe to ourselves and to the great and interesting cause of freedom. What will be the effect of this recognition? Does it give the patriots any advantage over Old Spain, or any other sovereign State? No, sir, it only places them on an equality, by giving them rank among the independent nations of the earth; it only consummates that course of neutrality, and that system of equal justice, which we have solemnly declared to the world to be our great object. The flag of the patriots is admitted into our ports and harbors; we have opened a trade with them; we have extended to them, by law, certain rights and immunities; and have endeavored to place them upon an equality with Old Spain, by our commercial regulations; and if any benefit can result to the Buenos Ayrean Republic, by receiving a minister or commercial agent, I cannot see the force of the objection to this measure. The conduct of Spain has not been such as to give any great force to a weak objection; she cannot expect from us acts of kindness, nor forbearance in the exercise of a right, or, rather, in the discharge of an obligation. Peace, it is conceded, is the policy of the United States, if consistent with the enjoyment of liberty. We cannot, I admit, without great indiscretion, interfere in the quarrels of other nations, or depart from a system of neutrality, even in the great cause of South American liberty. But the friends of liberty and of man cannot divest themselves of feeling, or look with indifference and apathy upon a contest, in which they behold a country, rivalling in beauty and fertility the rich and romantic vale of Cashmere, laid waste by the ravages of war, and the defenders of freedom treated as rebels and traitors. There is nothing, most certainly, in this great struggle that should prevent us from completing our system of equal justice to both parties, since we have endeavored to effect that object by the commercial regulations of the country. And why do we hesitate; why quake and tremble at the idea of a recognition so important? Why so many imaginary dangers at the exercise of an undoubted right? The crowned heads of Europe may take offence at it, but what would be the basis of this dislike? Mere opposition to the triumph of republican principles. It was this triumph of liberty and self-government that brought upon republican France the coalition of monarchical Europe. But the nature of this opposition is the very strongest reason why the United States should recognise the independence of the Republic of La Plata. It is called a republic, and if I did not believe that the principles of liberty would be cherished, and a free and independent government established, the proposition would not meet my sanction. Exercising a discretion, I would not choose to recognise kingly power as long as war was continued by the parties. The great cause of political emancipation is the stimulating principle with me, for the exercise of this right of re-

cognition. The labors of the illustrious navigators who discovered the Western World, shall not be in vain. North America has become an asylum—a place of refuge—from the tyranny and usurpation of Kings. A ray of liberty has penetrated the gloom which enveloped the South; and, although the timid may abandon the cause of freedom, and the bold and daring may fall an early sacrifice upon her altar, the principles of religious toleration and political emancipation must march on steadily (though slow) till the will of Him who controls the destinies of the world shall have been executed. If crowned heads refuse to recognise the independence of Spanish America, it is surely no reason why the United States should do so. To what quarter of the earth shall they send a Minister for this purpose. If they meet with no kindness here, when will they receive the cheering light from the countenance of a kindred Government? If we dare not go as far as the laws of nations will warrant, who shall give them the plaudit of Well done? History teems with the events of Republics, splendid, powerful, and happy. They exist no more. Despotism has swept them from the earth, and has only left their names on the records of nations; and we (the people of the United States) stand alone in this vast world of tyranny and oppression—no kindred Republic to sympathize with or to depend on in the hour of danger and dismay—and alone defying the principles and power of legitimacy. No Grecian Republic; no Roman Commonwealth; no States General of Holland; no National Assembly of France—no, not even the little Republic of San Marino—now exists, to acknowledge the independence of the La Plata Republic.

If I could believe it was the will of Heaven that I should vote against the proposition, I would bow with reverence to that will; if I believed that duty to my country opposed my course, I would cheerfully obey the impulse of that duty; if I believed that I was about to trample upon the laws and rights of nations, I would also pause; but the opposition of European monarchs will have no influence upon my mind, except to produce a more positive resolution to discharge what I conceive to be a most sacred obligation. Those monarchs may look with anxiety upon the part we may take—they may look at it, if they will, with an awful squinting—but no alarms are conveyed to my bosom. Resistance to oppression constitutes no crime, in my mind; nor shall I be ashamed to rejoice in the triumph of liberty, and the principles of self-government, until I am led to believe that the monarchs of the earth are superior to the Monarch of Heaven. May the God of the Universe, in his mercy, sustain this struggling and suffering people, in the cause of political and religious liberty! I will not fear the result; the spirit of liberty has diffused itself too widely, and its enthusiasm too deeply, to be controlled by the efforts of despotism, or the apathy of kindred Republics. Freedom has cast her rays upon the darkness of human error, and irradiated the gloom which has enshrouded the human

mind. Truth has, indeed, restored the light of nature. The conduct of Spain has been made a part of this discussion. The time is fast approaching when we shall be called upon to examine this conduct more minutely, and to judge of the measures that may grow out of it. If Spain does not relax in her pretensions, and manifest a disposition to act with more justice and liberality, there can be but one opinion as to the prospect of an amicable adjustment—a fact of which we must be convinced, from the information communicated to us by the Executive that the negotiation is at an end, and that the President has determined to occupy the Floridas, in order to guaranty the peace and safety of our citizens from the wild incursions and brutal murders of the savages. This is policy—this is wisdom—and the nation will support the measure. But the conduct of Spain is not necessarily involved in this question of recognition; nor the occupation of the Floridas for indemnity—a measure suggested by the chairman of the Committee of Foreign Relations. Whenever that measure shall be presented for consideration, then, and not till then, shall I conceive it my duty to enter into a detail of Spanish injuries and aggressions: the closing, upon the commerce of the Western country, the port of New Orleans, in violation of treaty, without assigning any other place of deposit; not till then, need we estimate the spoiliations upon our commerce; the violation of the treaty of 1795, in not keeping in order and subjection, within her territories, the Seminole savages; her conduct in the late war, in permitting the British and the Indians to use the Floridas as a place of refuge—a rallying point for our enemies. Nor will it be a matter of any consequence whether this state of things did arise from co-operation on the part of Spain, or an inability to maintain her local authorities and her treaty, as well as neutral obligations, to the United States. Whenever it shall be brought to this point—that we must submit to what is past, and a prospect of what is to come, or occupy the Floridas—my mind has never hesitated a moment upon the course my duty to my country would lead me to pursue, if negotiation fails. I would not submit to such conduct from any nation on earth.

But this has no influence on my mind. If the conduct of Spain had been towards us the most amicable and friendly; if she had acted not only with the strictest justice, but, like *Cæsar's* wife, even without suspicion, and if her purity had been as spotless as the snow which falls from heaven, it is still the duty of this Government to recognise the independence of the Republics of La Plata, Venezuela, New Grenada, Chili, Mexico, and the rest, as soon as they shall declare themselves free and independent, and manifest a capacity and a determination to maintain the rank and relations of a foreign and independent State. But I cannot for a moment hesitate to believe that the Administration feels this disposition as strongly, as cogently, as those who support it. The proper point of time can be with them the only cause of hesitation; the desire must be the

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same with every branch of the Government as with the people. Everything, sir, evinces the claim of South America to independence; its distance from Europe—the nature and interest of its soil and limits—the character of its people—all conspire to show that it never was designed by Heaven, that it should be subject to the domination of European rulers; but, like our beloved country, it should one day become the great sanctuary of liberty, and the asylum of persecution. To oppose this destiny, would not only be useless, but impious and impolitic. The Government of the United States has been distinguished for its justice, moderation, and pacific policy. We should maintain that character; we should not depart from that course of conduct; let us be cautious, but decisive; not rash or timid, but bold and prudent; let us do nothing that would infringe the rights of others, but feel no alarm at the consequences of doing what it is our duty to perform. We can read the condition of this people by turning the mind back to the scenes of the American Revolution.

But it has been asserted that the South Americans have not been fighting for liberty and self-government. It has been asserted that they were not entitled to our sympathy; that the independence of the Spanish provinces was a matter of no consequence to the United States, politically or commercially; and that self-government, and the establishment of liberty, might, to be sure, be of some consequence morally, but could not be so, politically or commercially. How surprising! How wonderful! Let us for a moment consider this point. A connexion with South America is, in an eminent degree, important, commercially, politically, and morally. From the nature of our Government and institutions, we are considered by the people of South America their natural friends and allies, and from this necessarily expect from us that aid and assistance which a nation, contending for the same political principles, and having an intimate geographical connexion, has a right to expect. Should we coldly refuse the favor they solicit, the result will be, that they will lose that sympathy they now feel, and transfer their present attachment and respect to some other Power, less phlegmatic and indifferent to their own interest. And what would be the loss, in a pecuniary point of view? A market calculated to consume the surplus of our agricultural products and manufactures, and the signal advantages that would result in the exchange of our commodities for the precious metals alone. We should indeed have, as we now have, the uncertain and limited markets which the Canadas and the West Indies afford, under the illiberal systems of colonial regulations. The surplus produce of two States alone would supply them, while the whole of that rich and beautiful country, whose independence its citizens wish us to recognise, would be lost to us perhaps forever. But this is not all. From the very nature of things, we should become her carriers as long as the two nations exist. Mexico, for instance, is situated like China, and not likely to become a

nation of mariners, but must receive the nations of the earth into her ports, and give her bullion in exchange for the productions of other countries. Our vessels would fill every port, and from our vicinity enable us to carry off nine-tenths of her commerce. And yet this is to us of no kind of importance, but a real evil! Have those who advocate this doctrine paid proper attention to the geography of these countries they so vehemently depreciate? Where shall we find a more lovely, a more abundant region? Where shall we look for a spot on earth where nature has lavished more wealth, and greater beauties? Where shall we find so happily realized the visions of poetry, and the descriptive painting of imagination? A country of immense extent, and a soil of endless variety and fertility, teeming with the most precious metals, and beautified with the most splendid, elegant, and useful botanical productions. A country, in the emphatic language of scripture, flowing with milk and honey, and where nature seems to repose from her toil, and stamp on her productions the perfection of beauty. The vast waters of La Plata, the variety of its soil, the diversity of its climate, the productions of the temperate and the torrid zones—the mines of Potosi, unrivalled in ancient or modern times—the lofty summits of the Andes, covered with never-melting snows—nor the delightful vales of the Parana and the Uruguay—nor the prospect of freedom to millions of human beings, can swell with delight the bosoms of some men. And a connexion with this highly gifted land, in the opinion of some, is a real disadvantage, in a commercial and political point of view. But the patriots of South America have been denied the merit of fighting for liberty; this charge is neither novel nor well founded. I need only refer to the history of our own country; the same charge was made against our fathers, who were engaged in the glorious struggle which has eventuated in the blessings we enjoy. What stronger proof do we require of the purity of the motives by which the South Americans are influenced in their present struggle, than that they have submitted for so many years to the privations and dangers, and miseries of war? What but a deep-rooted love of liberty, could produce this fortitude, or beget this perseverance? And are we to be told that they do not merit our sympathy, while contending and struggling through miseries, and want, and dangers, for the possession of those rights which we have obtained, and to which the human family are entitled by nature? Merciful Heaven! have we indeed come to this? Are we reduced so low in the scale of humanity? I shudder to think of the consequences of such doctrines. A vista, dark and dreary, and dismal, opens before me. I see apathy shedding her alarming influence over the hearts of my countrymen, and the genius of despotism winding her mazy folds around the offspring of freedom. Such indifference does not become the American people in a cause like this. In their zeal to oppose this measure, gentlemen have indeed gone so far as to endeavor to prove that the freedom and independence of the Spanish provinces would not

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only be of no political and commercial consequence, but singularly unfortunate to the United States—that our happiness, freedom, and prosperity, would decline in consequence of such an event; and yet, at the commencement of this discussion, every one expressed the most ardent desire for the patriot cause.

It is possible that necessity has driven members of this House to such a course of reasoning to oppose the proposition before us, but it shows the feebleness of error. Sir, to deny that the struggle in South America has been a struggle for liberty and independence, is to close our eyes against the facts, and the history of that struggle; and to deny that any commercial political advantage would flow from the establishment of independence in South America, is to deny self-evident propositions; we may as well deny the existence of matter, or any other physical agent. It has been boldly asserted, that there is no parallel between the American Revolution and the struggle in Spanish America. I know not through what medium gentlemen may view things; but I can see a most striking analogy in the two cases. We had a heavy burden of grievous impositions to bear—so had they, perhaps tenfold greater; we had our day of loyal attachments, humble petitions, and mild remonstrance—so had they; we were spurned and driven from the royal favor—so were they; in the progress of the Revolution we had had our day of resistance, and appealed to arms—so had they; we had our day of proscription, when the penalties of rebellion and treason were fulminated against our fathers—so had they; rising with the crisis, we had our day of independence, and proclaimed it to the world—so had they; we had our committees, our conventions, and our Congress—so had they their juntas, municipalities, and Congress; we had our Warrens and our Montgomerys—so have they; we had, too, our Arnolds—and so have they; and as we were triumphant, if the patriots of South America shall be worthy of the cause, and true to themselves, the same kind Providence will uphold them, and make them triumphant also. When we compare the extent and resources of the Peninsula, or Old Spain, with the extent and resources of South America and New Mexico, this opinion will acquire additional strength and confirmation. But, although history furnishes many examples of successful revolutions against the heavy hand of despotism, yet we are called back to the frequent success of power, and reminded, that the difficulties which arise from revolutions are of no ordinary character, and that to meet them requires the most heroic fortitude, and the most gallant conduct. I am aware, sir, that the system of oppression cannot easily be overthrown, and that the power of crowned heads will not be surrendered willingly; they will not surrender inexhaustible mines of wealth, the treasures arising from the toil and sweat of the laboring poor, without compulsion; the fairest portion of the globe, and twenty millions of subjects, the victims of their unhallowed pleasure and ambition; and the world must remain in the

most anxious and awful suspense about the event of this struggle, and wait with eagerness to know how the revolution, in many of the Spanish provinces, may terminate. The price of liberty is blood. The mind rejoices in hope, when it is recollected how long these patriots have sustained the glorious contest, and defied the bloody conflict. This gives the strongest evidence of the merit of the persecuted combatants, and the justice of their cause. The Israelites were doomed to forty years sojournment in the wilderness, and were in sight of the land of promise, because they proved unworthy of the blessings of Heaven; they were alarmed at the information of the spies of the army, who gave them a description of the giants who inhabited the land of Canaan; and notwithstanding the cause—the banners under which they fought—they were alarmed at the sons of Anak. For this they were doomed to spend the remainder of their days in the wilderness, until a new race of warriors should be raised up worthy of the holy cause in which they were engaged. The same may be the design of Heaven in relation to the South Americans, in permitting this sore trial of cruelty, and suffering, and murder. This severe probation may produce a race of heroes worthy of the cause of independence. The rising youth may catch and diffuse the holy fire of liberty, and rush on to battle and to certain victory.

Something has been said of the character of the war which has been waged in South America. And as the patriots have been compelled to retaliate, upon some occasions, the murders and cruelties of the mother country, they have been considered unlike the patriots of our Revolution, who abstained from the system of retaliation. It is not the fact that we gave up this right, or that we omitted to exercise it whenever it was necessary and proper. When it could be omitted it was omitted, and not otherwise. When policy could, with safety, yield to mercy, our fathers were governed by the principles of humanity. At a time when the patriots of our Revolution were considered and denounced as traitors and rebels, by royal proclamation, nothing but the most solemn declaration on the part of Congress and General WASHINGTON, at the head of our armies, that retaliation should be most rigidly pursued, prevented the assassination of our officers and soldiers when prisoners of war. This alone saved many of them; this system of retaliation, or the fear of it, induced Great Britain to give up the idea of rebellion and treason, and stayed the hand of the executioner. And if the fathers of our country had permitted our gallant officers and soldiers to have been hung, shot, and murdered, without retaliation, they never could have succeeded in the cause in which they were engaged, nor have secured the confidence of the people. Indeed the people would have had ample cause to have abandoned a Government feeble, inefficient, and withholding protection where it was due. No such foul charge can be made against those who conducted our Revolution. In the late war with Great Britain, when this same

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system of cruelty was commenced, did our Chief Magistrate silently and tamely look on? When the gallant Irishman was taken in arms fighting for his adopted country, and thrown into prison as a traitor to his sovereign, what stayed the sentence of condemnation, or the hand of the executioner, but the firmness and decision of Mr. Madison—a name I can never utter without respect, veneration, and affection. He took hold on the British soldier and put him in prison; and England had, to her shame, to retrace her steps, and to acknowledge the harshness and infamy of her course. The *lex talionis* should be preserved—blood should pay the price of blood. And, in this case, British officers and soldiers would have been the victims of British policy. There is nothing to condemn in the system of retaliation. If pursued by the patriots, it was a solemn discharge of a most solemn duty. The system of murder did not begin with them. To this day the armies of Old Spain consider and treat them as traitors; and if the patriots do not retaliate, whenever it may be necessary, they deserve to fall the victims of such folly and imbecility. In one point it is hoped, and it is known, that they have not imitated the enemy. The fact has been mentioned, and it is not denied, that the troops of Old Spain had been employed in poisoning the water, and the food of the patriots, to destroy them. In this system of destruction they have not been imitated. No, sir, Satan himself would be ashamed to claim kindred with a foe so infamous. When he rebelled, and was without hope, he exclaimed, farewell hope, and, with hope, farewell fear. Though fallen from his high estate, and in despair, he was content with a declaration of open war, and open acts of hostility. The arbitrary power of provincial officers; the cruelty of the Captain General of Old Spain; the vigilance of the spies of the inquisition; the unhappy condition of the natives, have not been, when combined, sufficiently powerful to stop the march, and arrest the progress of correct revolutionary principles.

The patriots have acted in a manner worthy of themselves, in taking advantage of the first favorable opportunity, the invasion of Spain by Napoleon Bonaparte, and the subversion of the Spanish and kingly authority in that country, to declare themselves independent, and throw off the yoke of bondage which bowed them to the earth. The most unlimited and arbitrary exercise of power has been practised by the Spanish Viceroy; nocturnal arrests have been made by corrupt judges, the willing instruments of corrupt power; banishment without trial; transportation to Old Spain, without assigning the causes; offices confined to European Spaniards; manufactures prohibited; the culture of other commodities limited; the establishment of the inquisition, and a perfect system of religious intolerance; liberty of speech and the press unknown; no trial by jury; property insecure, and at the will of judges; the study of political economy prohibited; and other acts of oppression, which would fill a volume, have been the acts which they have groaned under. I cannot feel

indifferent in such a cause; and while I am willing to vote in favor of recognition, as proposed, I am unwilling to step beyond the bounds of discretion, or depart from our neutral obligations.

In the day of our adversity, how anxious were we to be recognised by foreign Powers, and to claim their assistance? But here we are asked only to recognise the independence of the South American provinces, already free and sovereign, without requiring our aid, which cannot, consistently with the law of nations, give cause of complaint to any Power on earth. When clouds and darkness hung upon our political horizon, how did the bosom of the patriot swell with rapture and consolation when European nations began to acknowledge our independence! We have succeeded; we arose from the thralldom which benumbed our faculties with renovated vigor and redoubled energy; nations gazed with astonishment at the novelty of the spectacle and the magnitude of the enterprise. Despotism shrunk from our hemisphere as from contagion and death, and the world regarded us as a prodigy. South America has pursued our track and imitated our glorious example. The gloom of superstition and oppression has vanished, and their path has been irradiated by the beams of liberty. They have waded through blood and submitted to misery to obtain a participation in the blessings we enjoy. They say to us, We are your brethren; you are the only Government on earth that ought to feel an interest in our destiny; the monarchs of Europe have set their faces against us; their policy, their interest, will not suffer them to give us countenance; we are fighting the battles of freedom; the cause is one which must, which ought to be dear to you; we stand alone, unaided and friendless; we wish you to recognise that independence which we have achieved. If you will not extend the hand of fraternal love, to whom can we look, to whom dare we apply? Should we be crushed by the hand of power, you stand alone against the despotism of Europe and the world. Could you hope to resist such a combination? And if you fall, where is freedom to find a shelter, and man an asylum?

It is the will of Heaven that South America should be free; let all opposition cease; let the nations of the earth search after His will and obey His commands; His power cannot be controlled; His providence cannot be resisted; He governs the universe; then let us do these people, let us do ourselves, justice. This is not a moment for hesitation. To pause will perhaps be serious. The acknowledgment of their independence cannot injure the cause of freedom, or give just grounds of offence to nations; but it will inspire confidence—give them a stand and an attitude that Europe will respect, and reanimate the drooping spirits of the Patriots. We shall preserve the character we have acquired; our actions will correspond with our professions; and the world and posterity will acknowledge that our career has been that of generosity and of greatness, and our conduct just and magnanimous.

Why should we hesitate? Can we fear the

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result, when we witness so universal a spirit of patriotism pervading all ranks and classes of society, and setting at defiance want, and wretchedness, and torture? Can we fear the result, when we remember that every event is under the direction of God's providence? His infinite wisdom, and His tender mercy will be manifested in the result. Then let us not hesitate; let us act worthy of ourselves, and evince to the world that we are not only free, but worthy of that freedom.

Mr. FORSYTH spoke briefly in explanation; when, on motion of Mr. SMYTH, of Virginia, the Committee rose, and obtained leave to sit again.

FRIDAY, March 27.

Mr. RICH, from the Committee of Claims, to which was referred two reports of the Commissioner of Claims, containing the reports of the factors in one hundred and fifty-eight cases of applications for payment for property destroyed by the enemy in Buffalo, and its vicinity, on the Niagara frontier, from the 19th December, 1813, and the 1st of January, 1814, both inclusive, made a report thereon, which was read; when, Mr. R. reported a bill for the relief of the sufferers on the Niagara frontier, which was read twice and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, made a report on the petition of Kenzie and Forsyth, which was read; when, Mr. W. reported a bill for the relief of Kenzie and Forsyth, which was read twice and committed to a Committee of the Whole.

Mr. RHEA reported a bill for the relief of Cornelia Mason, which was read twice and committed to a Committee of the Whole.

Mr. BEECHER, from the Committee on the Judiciary, reported their agreement to the amendments proposed by the Senate to the bill, entitled "An act respecting the district courts of the United States, within the State of New York;" which were concurred in by the House.

Mr. BEECHER also reported the agreement of the said committee to the amendments proposed by the Senate, to the bill, entitled "An act to alter the time of holding the circuit court in the southern district of New York, and for other purposes." The amendment was committed to a Committee of the Whole.

Mr. HERBERT from the committee appointed on the petition of John Darnall, by leave of the House, reported a bill for the relief of the said John Darnall, which was read twice, and committed to a Committee of the Whole.

On motion of Mr. PINDALL, a committee was appointed to inquire into the expediency of making provision, by law, touching the prosecution of petitions of right, and informations of intrusion, in the federal courts, in cases wherein the United States are concerned; and, Messrs. PINDALL, SERGEANT, COBB, ADAMS, and TALLMADGE, were appointed the committee.

On motion of Mr. CLAIBORNE,

Resolved, That the President's Message, and accompanying documents, upon the subject of the

expenses incurred under the 4th, 5th, 6th, and 7th articles of the Treaty of Ghent, be referred to a committee; and that they be instructed to inquire into the nature and causes of said expenses; also, into the principles upon which the Commissioners, under the 6th, and 7th articles of said treaty have heretofore proceeded in the execution thereof, and that said committee make a detailed report thereon, for which purpose they shall have power to send for such persons and papers as they may deem necessary.

MESSRS. CLAIBORNE, BARBOUR, of Virginia, ROBERTSON, of Kentucky, MORTON, and WILLIAMS, of Connecticut, were appointed said committee.

Mr. McLANE, from the Committee on Commerce and Manufactures, to whom was referred the bill from the Senate, entitled "An act concerning the bounty or allowance to fishing vessels, in certain cases," reported the same without amendment, and the bill was read a third time, and passed.

Mr. SMITH, of North Carolina, submitted a joint resolution, directing the printing and distribution of the act for the relief of certain surviving officers of the Revolution, and the instructions issued relative thereto, from the Department of War, among the clerks of the several courts of record within the United States; which was twice read and ordered to be engrossed for a third reading.

The bill supplementary to the act "to authorize the State of Tennessee, to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated land within the same," passed the 18th day of April, 1816, was received from the Senate, and, having been twice read, the question was stated on its being ordered to a second reading—

Mr. EDWARDS rose, not, he said, for the purpose of opposing the bill, for that would be unavailing; nor had he any wish to commit it. It was well known that an unpleasant difference had long existed between the States of North Carolina and Tennessee in relation to the object of the bill, upon which both States had memorialized Congress. The Supreme Court of the United States had however lately pronounced an opinion in the case before it, by which the question in controversy was settled against the pretensions of North Carolina. As there is no other alternative, said he, since we ought to submit to the powers that be, he would content himself simply by saying that he did not concur in the opinion of the court, and by signifying his dissent to the bill, without troubling the House with his reasons for either.

The bill was ordered to a third reading, and passed.

The bill from the Senate "regulating the staff of the Army;" the bill "regulating the fees of notaries in the county of Washington, in the District of Columbia;" the bill "to incorporate a Fire Insurance Company in the City of Washington;" and "the bill to make valid certain acts of the Justices of Peace in the District of Columbia,"

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were severally twice read and referred to select committees.

BENEFIT OF DRAWBACK.

Mr. McLANE, from the Committee of Commerce and Manufactures, made a report on the petition of Thomas Hutchinson, and partners; which was read, as follows:—

The petitioners state that in the year 1815 they imported into New York a quantity of merchandise, which they were desirous of reshipping from the United States, and to obtain a drawback. Being ignorant themselves of the requisites necessary to obtain the benefit of drawback, they applied to the deputy naval officer, who undertook to have the proper entries made, and to superintend the whole business; that the deputy naval officer, however, failed to apprise them of the necessity of giving the bonds required by the act of Congress, and, being themselves ignorant of the law, they neglected to enter into any such bonds; that the goods were re-exported, and regularly landed at the foreign port to which the vessel cleared out. The bonds having never been given, however, the petitioners have been denied the benefit of drawback, and they pray Congress to allow it, as though the bonds had been regularly given.

The committee consider that it would be establishing a dangerous precedent to allow the plea of ignorance of the requisites of the law to dispense with their provisions. In this instance the bonds were the most essential part of the whole business, and indispensable to the safety of the revenue. If the petitioners applied to the deputy naval officer for advice, rather than to the regular officer of the district, the United States should not be liable for his omission or want of information. The committee, therefore, recommend the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

The report was concurred in.

SPANISH AMERICAN PROVINCES.

The House having resolved itself into a Committee of the Whole on the general appropriation bill—to which an amendment had been moved by Mr. CLAY to introduce an appropriation for the outfit of a Minister to Buenos Ayres—

Mr. A. SMYTH, of Virginia, said, that he was opposed to the proposition under consideration, and should contend, in the first place, that the measure proposed is an act of usurpation, an invasion of the Executive authority. Secondly, he would contend, that the conduct of the Executive branch of the Government, as respected Spain and her American provinces, has been perfectly impartial and honorable, and such as was required by the interest and honor of the United States; that, therefore, no interference on our part was necessary. And, thirdly, he would contend that the measure proposed was pregnant with evil, and may jeopardize the safety of the United States.

The Constitution, said Mr. S., grants to the President, by and with the consent of the Senate, power to appoint Ambassadors and public Ministers, and to make treaties. According to the usage of the Government, it is the President who receives all foreign Ministers, and deter-

mines what foreign Ministers shall or shall not be received. It is by the exercise of some one of these powers, in neither of which has this House any participation, that a foreign Power must be acknowledged. Then the acknowledgment of the independence of a new Power is an exercise of Executive authority; consequently, for Congress to direct the Executive how he shall exercise this power, is an act of usurpation.

To give such direction must be an act of usurpation, if it shall have any effect. Should the direction be given, by adopting the proposition under consideration, and have effect, then the President will send a Minister to Buenos Ayres, not according to his own opinion, but according to the opinion of Congress. Then the President will perform his proper Constitutional duties as Congress shall be pleased to direct. Will not this be changing the Constitution, by usurpation? It is for the Executive branch of the Government to decide to whom, and when, a public Minister shall be sent. Congress undertake to decide when and to whom a public Minister shall be sent; is not this usurpation?

You possess the power of impeachment, and, consequently, may discuss, and, by resolution, express, an opinion on any past act, either of the Executive or of the Judiciary; but you have no right to give a direction to either.

The President is responsible for the proper execution of his Constitutional powers; he may be punished for abusing them, or for neglect of his duty. This House is the proper body to prosecute him, if he shall fail to do his duty. We are not, in like manner, responsible and punishable. If we direct the President to do an act, however injurious to the nation it may prove, we cannot make him responsible. Is it proper thus to deprive the people of the security which they have reserved to themselves, in the President's Constitutional responsibility?

The President is re-eligible at the end of four years; it is, therefore, fair that he should be left free to execute his Constitutional powers; that the people may be enabled to judge the manner in which he has executed them. If you undertake to direct the President in the performance of his duties, you deprive him of the merit of those acts which the people might approve. Let it be supposed that the President intends to do the act which it is proposed that we shall direct him to do, and that the act is one which deserves, and will receive, the approbation of the people. If you shall direct him to do the act, his performance of it will be ascribed to your direction, and all the credit due to the act will be given to you, and withheld from the President. On the contrary, should the President disapprove of the proposed measure, resist the usurpation, and maintain his Constitutional rights, the consequence must be, that either the President or Congress must sink in the estimation of the people.

By adopting the proposition under consideration, you will pronounce to the world, that the President will not voluntarily do his duty; and that it has become necessary that you, by direct-

ing, should compel him. You certainly intend that your direction shall have effect, and it can have no effect, unless it compels the President to do an act which otherwise he would not have done. You do not intend merely to place Congress in collision with the President; to raise an opposition to him, in case he shall have firmness enough to maintain his Constitutional rights, and to act according to his own views of the interests of the United States.

The people have, by the Constitution, distributed distinct powers to the several departments of the Government: the Executive power they have confided to the President, either alone, or by and with the advice and consent of the Senate; they have adopted a particular mode of electing the President, intended to secure to the office of Chief Magistrate the greatest wisdom, knowledge, patriotism, and integrity. They have a right to the free and voluntary services of the citizen whom they have selected, as possessing those qualities, to fill the Presidential Chair; a right to all the advantages to be derived from his talents and his information. And at no time has the Executive department of this Government more deserved the public confidence than at present. At no moment since the formation of the Constitution, did the Cabinet possess, in so great a degree, the qualities which a Cabinet ought to possess, viz: talents, knowledge, political information, and harmony.

Yet, at the very moment when the President has his agents in those countries, which claim to be admitted to the rank of nations, for the purpose of ascertaining their true situation, and to discover what order of things will probably be ultimately established, it is proposed that you shall prematurely interfere, and that, before the desirable information has been obtained in such a mode as may be relied on, you shall, on such information as the Speaker (Mr. CLAY) has gleaned from newspapers and pamphlets, direct the President to send a Minister to Buenos Ayres. Should your interference be at any time expedient, certainly this is the most improper time to interfere. The want of information on this subject has been fully shown by this discussion. No one will pretend that the members of this House generally are well informed concerning the actual and political state of the Spanish provinces, and the contradictory nature of the information given to the Committee, by those members who have taken pains to procure information, proves that we have none that is worthy of being relied on.

It is by the President only that the United States communicate, negotiate, and treat, with foreign nations. To them, as has been properly observed by the gentleman from South Carolina, (Mr. LOWNDES,) we should present a single front. The measure proposed seems, in itself, of little importance; but it will be understood by the speeches of the honorable mover, and others, by whom it is supported. Thus understood, the proposition goes to degrade your President in the eyes of foreign nations. If Congress shall assume

power to direct the President, this House becomes the efficient Executive. Who would be President on such conditions?

I proceed to show that the conduct of the Executive, as relates to Spain and the provinces, has been impartial, honorable, and such as comported with the true interest of the United States.

The honorable Speaker has been pleased to say, that the conduct of the Executive towards Spain and the provinces was calculated to irritate both parties, and conciliate neither. This brings to our recollection what he said on a former occasion—that the acts of the Executive had been all on one side, and bearing entirely against the colonists. This charge, which has never been answered, was made by a gentleman whose assertion will be respected as authority throughout Europe, as well as throughout this country, by those who do not examine for themselves.

If we examine those acts of the Executive which have any bearing on the contest between Spain and the colonies, it will be found, that the greater number was favorable to the patriots; and those were the result of the free will and discretion of the Executive, while the acts complained of, which have had a bearing against the patriots, were performed by the Executive in obedience to the laws, and were not the result of the exercise of discretion.

The acts of the Executive of the United States favorable to the Spanish provinces, I will notice in the order of time.

In Mr. Madison's Message of November, 1811, we find this passage: "An enlarged philanthropy, and an enlightened forecast, concur in imposing 'on the National Councils an obligation to take 'a deep interest in their destinies; to cherish 'reciprocal sentiments of good will; to regard 'the progress of events; and not to be unprepared for whatever order of things may be ultimately established." Here is a voluntary act, favorable to the cause of the provinces; and this recommendation was followed by an act of Congress giving a considerable sum to the people of Venezuela.

The next act favorable to the provinces, was the issuing by Mr. Madison to the collector of the customs instructions to admit the flag of the provinces; by which their ships became entitled, in the ports of the United States, to every privilege granted to the ships of other foreign Powers. The President was at liberty to have considered the patriots as rebels against their Sovereign, and to exclude their flag from our ports; or to consider them as a party in a civil war, and as such to admit their flag into our ports; he decided favorably to the patriots, and admitted their flag.

The next act of the Executive, favorable to the Spanish provinces, was the declaration by the present Chief Magistrate, that those provinces are partial to a civil war, in which their rights, as relates to neutrals, are equal to the rights of Spain; the President thus looking on

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the independence of the provinces as actually existing.

The next Executive act which has a bearing favorable to the Provinces, was the construction given by the President to the law of March, 1817, respecting the neutral duties of the United States. That act, in consequence of the omission of the words "district, colony, or people," in one of its sections, perhaps admitted of a construction that would have denied to the patriots equal rights with the subjects of Spain in the ports of the United States. We have employed some time on a bill intended to remedy the defect; but the construction given by the President to the act of March, 1817, had rendered its operation perfectly equal as related to Spain and the provinces, so far as the Executive authority is concerned. In a letter written by the Secretary of the Treasury, which may be considered as official, is this paragraph: "Having declared that the flags of Spain and of independent Governments established in Spanish America should be treated in the same manner in the ports of the United States; the Executive authority would not hesitate to consider the flag of Venezuela that of a foreign State, within the meaning of the fourth section of the act."

The last act that I shall mention, manifestly favorable to the provinces, is the act of sending commissioners to ascertain what is their situation; to prevent misunderstandings; to correct errors; perhaps to redress past grievances, and prevent their recurrence in future.

These various acts of the Executive, having a bearing favorable to the patriots, and all of them resulting from the discretion of the Executive, were overlooked by the Speaker, when he said that the acts of the Executive were all on one side, and bearing entirely against the colonists.

Let us now examine those acts of the Executive of which the Speaker complains as having so unfavorable a bearing against the patriots. These are, the proclamation of Mr. Madison, issued for the purpose of dispersing the armed force collected under Toledo, in violation of the law of the United States; and the suppression by the President of the establishment at Amelia Island, made by McGregor, with a force unlawfully prepared within the United States, and maintained by Aury, who pretended to act under the authority of Mexico, New Grenada, and Venezuela.

As to the proclamation which was issued for dispersing the armed force collected under Toledo, it will be remembered that President Madison was sworn faithfully to execute his office, the chief duty of which is to take care that the laws be faithfully executed. An act provides that when the execution of the laws of the United States is opposed or obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, the President may call forth the militia; but he shall by proclamation command those who thus oppose or obstruct the laws, to retire peaceably to their respective abodes, within a limited time. The

force collected by Toledo came within the meaning of the law; and Mr. Madison had no discretion to exercise. The law pointed out his duty, and he performed it.

The suppression of the establishment made by McGregor, and continued by Aury at Amelia Island, was required by the interests and the honor of the United States. The world knew that the Executive was authorized to take East Florida against any foreign Power. Those who follow the profession of arms, must either be robbers or pirates, or they must have some power. The friends of Aury will not admit that he was a pirate; then they must contend that he served a foreign Power. Let us admit that Aury served the Republic of Venezuela, a Power whose flag is admitted into the ports of the United States, under the laws respecting the vessels of foreign Powers. If Venezuela had been formally acknowledged as an independent State, the act of 1811 authorizes the President to take Florida against the attempt of Venezuela to take possession of it; and the want of such formal acknowledgment cannot diminish the rights of the United States. It being the duty of the President to execute the laws, and the case contemplated by the act of 1811 having happened, a foreign Power having attempted to take possession of Florida, and having in execution of that attempt made an establishment at Amelia Island, the President was bound to suppress the establishment maintained there by Aury.

Had no such law existed, the conduct of the President would have been worthy of approbation. A nation has a right to protect itself from the evils of bad neighborhoods. Upon this principle it was that the act for taking possession of East Florida was passed. So when Louisiana was transferred from Spain to France, our Minister at Paris most seriously remonstrated against the occupation of that country by the forces of Napoleon; and many of our distinguished politicians urged the expediency of taking Louisiana by war, rather than admit a dangerous neighbor to come there. Perhaps Louisiana might have been obtained by war, at an expense of one hundred and fifty millions; but the wisdom and moderation of Mr. Jefferson obtained it by purchase for the tenth part of the sum. It was to preserve herself from the evils of bad neighborhood that Prussia involved herself in war, first with Great Britain and afterwards with France, rather than have French troops in possession of Hanover. Is there any nation more interested in avoiding neighbors of a certain description than the United States? Would it be safe to allow Florida to be revolutionized by black troops? We have said, and I presume will continue to say, that no Power except Spain shall come there.

I have shown that the conduct of the Executive, as respects Spain and her American possessions, has been impartial. The honorable member did not indeed say that it was partial; but he could not be understood as meaning any; thing else, when the acts of the Executive were

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all on one side, bearing entirely against the colonists. I will now proceed to show that the conduct of the Executive, as respects those parties, has been most honorable.

The conduct of the Executive has been contrasted with that of the French Government in the war of our revolution; and the conduct of the Government of France has been denominated magnanimous. A comparison more favorable to the Executive of the United States could not have been made. Let us see what was the conduct of the Government of France during our revolution, previous to the treaty of 1778, by which France and the United States became allies. Secretly the Government of France was granting us aid in money, arms, and warlike stores, while publicly she affected to observe a strict neutrality. A State paper, published by that Government about the year 1780, says, "His Majesty prohibited, very severely, the exportation of arms and warlike stores, provided they were intended for North America. He prohibited the privateers to sell their prizes in France, and his subjects to purchase them." The same State paper reveals the motive by which the French Government was actuated in becoming the ally of the United States, which certainly was not a desire for the liberty and happiness of the United States: it says, "in treating with the Americans after they became independent, the King exercised the right inherent in his sovereignty, with no other view than to put an end to the predominant power which England abused in every quarter of the globe." Such was the motive and such the conduct of the Government of France, now denominated magnanimous, and preferred to the conduct of the Executive of the United States. And what has been the conduct of the Executive towards Spain and the provinces? That conduct has been open and impartial; the ships of both are admitted in our waters; they equally enjoy the rights of hospitality; either party may purchase ships, arms, and warlike stores. Conduct so impartial and just is truly neutral and honorable.

Sir, I am deeply impressed with a sense of the obligations which we are under to France for the aid granted to us during the war of our Revolution; but I cannot admit that the conduct of the French Government is compatible, either for honor or magnanimity, with that of the Government of the United States. The declaration made by the President, that no privilege in commerce would be accepted from the Spanish provinces that shall not become common to other nations, is one of the most disinterested and magnanimous that ever was made by a Government. It is an example of liberality worthy to be admired and imitated by other Governments. It is worthy of the Government of the most just of all people.

The Speaker disapproves of the moderation which the Executive has manifested towards Spain. He would press upon Spain in her state of embarrassment; and he endeavors to prove that Spain cannot and will not make war. If such be truly the situation of Spain, how ungen-

erous is it to seize the present time to press upon her! How very different are the sentiments which have heretofore been expressed by the Executive. In a letter written by the present Chief Magistrate, then Secretary of State, in 1812, to General Matthews, will be found these passages: "In neither of these contingencies was it the policy of the Executive to wrest the province forcibly from Spain; but only to occupy it with a view to prevent its falling into the hands of any foreign Power, and to hold that pledge, under the existing peculiarity of the circumstances of the Spanish Monarchy, for a just result in an amicable negotiation with Spain." "I may add, that, although due sensibility has been always felt for the injuries which were received from the Spanish Government in the last war, the present situation of Spain has been a motive for a moderate and pacific policy towards her." I ask, if these sentiments are not magnanimous and honorable, and worthy of the United States?

When France wronged the United States, they made war upon her; when England wronged the United States, they made war upon her. Having attacked the greatest and most warlike nations, the forbearance of the United States to make war against Spain, during a period of long continued, and still continuing distress, will not be attributed to any unworthy motives; for Spain, we are told by the Speaker, cannot and will not make war. How ungenerous then would it be to take a step against Spain which would undoubtedly produce war, if England was the offended Power!

I have said, sir, that the measure proposed is pregnant with evil, and may jeopardize the safety of the United States. I hope and trust that we are able to resist any combination that may be formed against us, even at this time. I am confidently certain, that in twenty years we shall be able to set at defiance the power of the world: and in a century we shall be able to give it laws. I therefore, deem it most important, that we should let the present moment of peril pass away; that we should gain time, and go on to improve our resources by the arts of peace.

If any event can jeopardize our safety, it is a war with the combined Powers of Europe at this time. Sir, if a hundred measures were devised for the purpose of destroying our national existence, and this was among them, it would be the very measure that I should deem most likely to succeed. If there is a measure, the adoption of which can produce such an event, it is one which shall amount to a declaration that we are the patrons of revolutions; one, by which we shall proclaim, that, wherever a province shall make insurrection against the authority of the parent country, we will consider it our business and duty to take the new people by the hand and introduce them into the family of nations.

Sir, the coalition still hangs together. And what is their common bond of union? It is the cause of legitimacy—the cause of hereditary thrones. The combined Powers have proven, that they do not mean to confine their views to Europe, by interfering in the controversy between

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the Courts of Spain and Brazil. Is it not the object of their holy leagues to bring back mankind to the state of mental darkness in which they were for ages subsequent to the reign of Constantine? Has not Great Britain signified to you, that the Mississippi ought to be your boundary? Has not France done the same? Has not Spain claimed that boundary? Do not these circumstances indicate concert between those Powers? Shall we then, at such a time, do an act utterly useless to us, equally useless to Buenos Ayres, (for the Speaker admits, that there can be no concert between us, and that we have not the means to aid her;) an act, the effect of which will be to bring Congress and the President into collision; which act may by any possibility, however remote, involve us in a contest with the combined European Powers?

Sir, let us hold this language to the people of the provinces: "Ask us not to engage in war in your cause—you have men and money; arms and ships you can purchase. The cause you are engaged in is one to be decided by yourselves. We grant you every privilege of a Power. We will not quarrel with your former master. We will not quarrel with the combined Powers of Europe. Achieve your independence, and force Spain to acknowledge it. We have no authority to judge of the contest and award the prize." Sir, when Doctor Franklin, in 1777, requested the King of France to acknowledge the independence of the United States, the King answered, that he could look upon the independence of the United States as actually existing; but, that it did not belong to him to acknowledge it, for he had no right to judge of it. Neither does it belong to the United States to judge of and acknowledge the independence of Buenos Ayres.

But, it is said, that the acknowledgment of the independence of the Republic of La Plata will give Spain no just cause of war. Sir, justice is not always the law of nations. The law of nations is the usage of nations. Let us see what is the usage of nations, when one Power acknowledges the independence of provinces which have shaken off their allegiance to another. It will not be necessary to go further back than the war of our Revolution. From the eventual treaty of alliance entered into between the United States and France, it appears, that the latter Power expected a declaration of war on the part of Great Britain to be a probable consequence of the acknowledgment of the independence of the United States. The Treaty of Alliance recites, that the parties "have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquillity of the parties; particularly in case Great Britain, in resentment of that connexion, and of the good correspondence, which is the object of the said treaty, (meaning the treaty of commerce,) should break the peace with France." Accordingly, no sooner was the fact that a treaty of commerce existed between France and the United States communicated to the Court of London, than war was declared.

It may be said, that, with France, we had a treaty of commerce, and also an eventual treaty of alliance. But, with Holland we entered into a treaty of commerce only; yet no sooner was that fact disclosed to the British Court, by the capture of Mr. Laurens, than war was declared against Holland.

Thus, it appears that a treaty of commerce entered into with provinces who have thrown off their allegiance to the parent country, gives to that country cause of war, according to the usage of nations. Then acknowledgment must be equally a cause of war; and, indeed, a treaty of commerce must be expected to be the necessary and immediate consequence of the acknowledgment of a new Power, and the interchange of public Ministers. And it is not without reason, that acknowledgment of the independence of a new Power is deemed cause of war by the parent Power. If you acknowledge the independence of Buenos Ayres, you undertake to judge of the controversy between that Republic and Spain. You deny the dependence of Buenos Ayres upon Spain. You will thus undertake to deny what Spain claims as a right.

It is not sufficient to satisfy the Committee that the measure proposed will not produce war, to show that Spain has not resources for a vigorous prosecution of war. It must be shown that the Government of Spain has not pride and a sense of honor. If you offend Spanish pride by an insult that would not be borne by England or France, war will follow; we shall make conquests; and then the Powers of Europe will interfere. Sir, I am not disposed to go to war with Spain on account of our old claim for spoiliations on commerce. Spain has also a claim against you for spoiliations committed by vessels equipped in your waters. Pay your merchants their claims; charge the sum to Spain; credit her for the spoiliations for which you are responsible; the day of account will arrive hereafter.

We have been told of the additional security which the independence of Buenos Ayres will give to liberty against the combinations of crowned heads; and that gratitude will attach the new Republics to the United States. Sir, it is by preserving the United States that liberty is to be secured against the combinations of crowned heads. And experience proves the brief duration of the gratitude of nations. England aided the Dutch to throw off the yoke of Spain; yet, no long time elapsed before the ocean was dyed with English and Dutch blood, shed in adverse conflicts between the two nations. France aided the United States to shake off the yoke of England; and our first war with a civilized nation was against France. Nations are not governed by gratitude. They are governed by interest and policy.

Let us leave the severance of the empires of the world to the people concerned. Let us not interfere in the war between Spain and her colonies. Let us not jeopardize the happiness of this happy people. Let us support the Executive in giving to the nations of the earth an example

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of justice and moderation. So shall we preserve the peace of our country, and the prosperity of the our people. For, however unjust may be designs of those who govern the nations of Europe, they have too much respect for the opinions of their own subjects, and of posterity, to make an unprovoked attack upon a nation whose distinguished characteristic is moderation and justice.

Mr. HOLMES, of Massachusetts.—Afflicted, as I have several days been, with bad health, nothing but an imperious duty to explain and defend my motives could have induced me to rise on this occasion. The friends of this proposition are charged with intentions hostile to Spain, and unfriendly to the Administration. War, with all its calamities, is brought into view, and deemed to be inseparably connected with this amendment. Its horrors are eloquently and pathetically described. We almost hear the trumpets sound, the cannons roar, the shrieks of the dying, and the shouts of victory. We recover from this delirium, and inquire, What is the subject of debate? And we find, to our astonishment, that it is a simple proposition to appropriate a sum of money to be intrusted with the Executive and to be applied to defray the expenses of a Minister to Buenos Ayres, provided the President, in his discretion, should deem it prudent and proper to send one. This, then, is the subject and ground of alarm.

Sir, if this were to endanger the peace of the country, I would alter my determination, and give my vote against the amendment. I have too lately witnessed the dangers and distresses of war, to rashly expose my constituents to a renewal of its calamities. I have seen too much of violence and faction to induce me lightly to assume a hostile attitude. I have felt, too seriously, what madness and treason can do in times of public calamity, to hazard my country's peace, without great necessity and great reflection. No, sir, much as Spain has injured and insulted us, I should, in the present condition of the world, pause and deliberate before I would make the final appeal.

I am aware that remarks have been made and motives avowed in this debate, which might induce an indifferent auditor to suspect that something was intended which was not contained in the measure itself. Hence I have found it necessary to enter into the debate, that my reasons for my vote may be distinctly understood, and that my motives may appear entirely different from those which have been ascribed to the advocates of this measure.

The act, in itself, is not hostile. It is unnecessary to refer gentlemen to authorities to prove this; every one knows, and the opponents of the amendment admit, that to do the act is not cause of war. Spain would not resent it if she could. Gentlemen pretend that it is dishonorable to calculate on Spain's disability. I think not. If we were to do an unlawful act against Spain, it would be neither correct nor honorable to rest our impunity upon her weakness. But, when the act is lawful and right, and that which we might, at discretion, do or omit, it is then proper to in-

quire whether she has the power to resist it, and to calculate on her weakness.

And what reason have you to expect that Spain would take umbrage at this? Will she engage in a contest with the United States, which would prove fatal to her power in South America? Sir, she has been struggling for years to keep up the appearance of power in her provinces. Her means are exhausted, and her armies are wasted, and her power is nearly annihilated. At home, ignorance, bigotry, despotism, and beggary, abound. Her miserable stolen monarch; the usurper of his father's throne, has rewarded the defenders of their country with banishment, imprisonment, and death. The Government is bankrupt, the people are starved, and distrust and treachery everywhere prevail. Would Spain, poor, emaciated, decrepit Spain, enter the lists with young, vigorous, athletic America? Such an act would consummate her folly and madness, finish her calamities, and seal her destruction.

Sir, I regret that her condition has been compared to ours during the late war, and that the exposure of the emptiness of her treasury, by her Minister, is resembled to the report of Mr. Dallas. Is it thus that gentlemen will magnify their own weakness and debasement? Were we as poor and beggarly then as Spain is now? She has been, for years, the scene of a desolating and vindictive war; alternately exhausted, pillaged, and robbed by her foes, the French, and her friends, the British; nothing moveable remained, which was capable of exciting their cupidity. Armies fighting, advancing, and retreating, until every vestige of property was swept from the face of the earth. Not only the revenues of the Government, but the resources of the people, were cut off and consumed; and this cruel, vindictive, and exterminating war was a struggle between the vassals of the usurper of his father's throne and the usurper of that usurpation. Was your country, in the late war, like this? Sir, the resources of the nation had not been touched. Your Secretary, it is true, gave you a dismal account of the wants of your Treasury; but the money was in the pockets of the people, and when you asked for it you had it. The spirit of the Congress did not keep pace with the patriotism of the people; there was an unaccountable timidity to exact the means to prosecute the war. Some spectre of faction, some ghost of the Hartford Convention, with a dagger in his hand, or something else, I know not what, checked and deterred the Representatives of the day from calling so fast as the people were willing to pay. Sir, I repeat it, our resources had scarcely been touched at the peace. Had your country been made the theatre of the war, like Spain? Your enemy had scarcely ventured to pollute your soil with his foot. He had, in a few instances, made sudden inroads, committed depredations, and fled. He ran to this city, and with vandal barbarity demolished your public buildings, the monuments of elegance and art, and ran back again. It is true, he stopped at Alexandria, and took a little bread, which he wanted; but this was in

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token of friendship and love. With the same friendly motive, he occupied Castine, that the people of New England might, with greater facility, obtain a few English goods, which they needed. There were a few other instances where private houses were pillaged of caps, and linen, and other little matters; but, in the main, the individual resources of the people had not been impaired by the enemy or the Government. Is it right, then, does it comport with American feelings, to rank your country with this miserable Spain?

But, I confess, I do not well perceive the consistency of the honorable gentleman from Georgia, (Mr. FORSYTH,) who opposes this amendment, and yet would not hesitate to occupy the Floridas. The amendment under consideration is inoffensive, and to occupy Florida is an act of war. The gentleman deprecates war; he would not even place money in the hands of the President to send, at his discretion, a Minister to the provinces of La Plata, for fear of a rupture, and still he would take the Floridas, which is war of itself. But it has been contended, that the combined Powers of Europe would take part with Spain against us, for an act entirely innocent, and perfectly consistent with the laws of nations. Sir, I apprehend that Europe has enough to do at home. It is indispensable that France should still be occupied. That ill-fated nation cannot yet be trusted to govern herself, nor is Europe safe if France be free. They who are afraid to withdraw their armies from France, would scarcely venture to engage in a remote and hazardous enterprise to subvert the liberties of the Western world. Monarchs are not over-fond of opposing their mercenaries to the soldiers of liberty. There is an enthusiasm in liberty which is extremely contagious, which may communicate itself to the ranks of the enemy, and produce disaffection, desertion, and defeat. It was the aid afforded to the sons of freemen which cost the amiable and unfortunate Louis his crown and his head.

And what is the imposing spectacle which Europe this moment exhibits? Is her coalition indissoluble? A single, solitary individual, without power or friends, is placed upon a rock in the midst of an ocean, guarded by a delegation from every Power in Europe, lest he should escape, prostrate their powers, and subvert the Governments of the earth. This is not all. The gigantic power of Russia is destined to make the rest of Europe tremble. Alexander has, with his myrmidons, rushed from the frozen regions of the North to taste the luxuries of France. He has already kindly relieved the brave Polanders from the trouble of self-government, and settled their feuds by governing them himself. Like the Goths, and Vandals, and Huns, of former times, we shall shortly see him quitting his inhospitable rocks, and mountains, and frosts, and snows, to seek and enjoy the genial skies and luxuriant soils of France and Italy. All Europe views him with jealous eyes, and are on the alert at his every movement. He casts a longing look at the Bosphorus and Dardanelles, and contemplates, with

solicitude, the time when his fleets shall pass from the Black Sea to the Mediterranean, to dispute with England the empire of the ocean. Will Russia and the other Powers, thus watching and jealous of each other, engage in a contest of doubtful success, of certain danger, and inevitable loss? Let any or all the Powers of Europe engage in an American war, and you will witness scenes in France which surpass description. France is waiting only until the attention of the allies shall be drawn to some other object, to rise in her strength, burst her fetters, and annihilate her weak and tottering Government. And if no other reason prevented the coalition from joining to subjugate America, the difficulty of dividing the plunder would be alone sufficient. Were the South American provinces to be partitioned among the Powers of Europe, England would insist on a part, and give her a part, and she inevitably secures the commerce of the whole.

But, it has been intimated, that England would fight us if we adopt this amendment. Sir, I think I have shown that Spain cannot fight us alone, and the honorable gentleman from Maryland (Mr. SMITH) admits that England would not join her. He even regrets that she would not, and wishes that she might. If Spain cannot enter the contest without England, and it is admitted that England will not, it would seem that the danger is at an end. But there are better reasons than the gentleman's admission that England would not fight the United States, she would be certain of hard fighting, and doubtful of success or glory. She is still smarting with the wounds which we have inflicted on her. She secretly wishes the independence of the provinces, and would, indirectly, aid in their cause. A market for the annual sale of £50,000,000 sterling of our manufactures, which she would acquire by the independence of the provinces, would not be lost sight of by her statesmen. This alarm of war, sir, is fanciful and visionary.

But an alarm has been sounded that the advocates of the amendment are opposing the Executive; and is this true? Am I, who very lately well nigh lost my right to a seat in this House for having been in a condition which exposed me to Executive influence, so soon to rebel against the President? Shall I, who have experienced the droppings of the Executive sanctuary, turn my heel against my benefactor? Should this be the case, it would only prove what experience has always proved, that gratitude for past, influences less than the prospect of future favors. That it is not the man who has had an office, but he who is seeking one, who is the humble tool of the Executive.

But, sir, although neither past favors nor future prospects will ever induce me to follow in the wake of any man, still I insist, and will prove, that the proposed amendment is in perfect accordance with the views and feelings of the President, as discovered in all his official communications to this House. While I prove that the act itself is proper, I will show that, as an individual, I am not ungrateful. Ingratitude is a charge which would set heavy; it is a crime of which

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no one has yet been found who would acknowledge himself guilty. I have the utmost confidence in the correctness of the course which has been, and will be, pursued by the President in regard to these provinces. To send the Commissioners to inquire into their condition, was prudent and proper, and consistent with his regard for their liberties and our safety. That the President ardently wished for their emancipation, and that his course of policy was conformable to that wish, I have never doubted. He has admitted their flag on the same terms as that of Spain; he has sent three gentlemen to inquire into their condition. By this measure we say to the President, "Sir, with that solicitude which characterizes a love of country and regard for the rights of man, you have sent Commissioners to South America. They are to ascertain the strength and stability of their Governments. On their return you will be able to judge what ulterior steps are to be taken. Should their report be unfavorable, nothing further will be done; but should it appear to you that a nation has been established on the southern division of the American continent, you have the means to recognise them, provided you should deem it consistent with the honor and interest of this nation." These are my reasons for giving this power. Sir, is this hostility to the President? Those gentlemen who are disposed to take the reputation of the President into their exclusive custody, are unwilling to intrust him with \$18,000, lest he should abuse the trust.

This grant is authoritative, but not directory. Why, it is asked, not leave it upon the same footing as other diplomatic appointments? I answer that the President would no doubt venture, upon his own responsibility, to send a Minister to any Government already established and recognised, provided the public good required it. But, here is a subject of some delicacy, and the advice or opinion, at least, of the people's Representatives would, no doubt, be agreeable to him. Here is a new nation sprung into existence by bursting the bonds of oppression, as we did. Whether we should be the first to recognise them, or wait until the monarchies of Europe should have done it, are questions of policy as well as principle. Should the amendment prevail, and should he determine, on the return of the Commissioners, to send a Minister, he would feel a confidence that the people would not complain, nor would he be exposed to have the correctness of his course questioned or criticised in discussing the next appropriation bill.

Sir, there is a character of hostility given to this measure which it does not deserve. This very session we have passed an act, far more hostile to Spain, and favorable to the provinces, than the amendment under consideration. An act expressly offering the flag of the provinces protection in all our ports. Yet, when an innocent proposition is submitted to vest a discretion in the President to do a harmless act, you take the alarm, and denounce its advocates as hostile to Spain and unfriendly to the President. Sir,

this is, indeed, "straining at a gnat, and swallowing a camel."

But there is no proof that Buenos Ayres has an independent government, or that the people are sufficiently populous or powerful and intelligent to maintain their independence. I am aware that our knowledge of their political condition is still imperfect. For that reason I would do nothing in haste. I would wait the return of the Commissioners; and this is what this amendment contemplates. We, however, do know that the province of Buenos Ayres is extensive and populous; that it extends sixteen hundred miles by one thousand, and that it has cities containing from 70,000, to 100,000 inhabitants. We know, also, that the principal cities, Buenos Ayres and Potosi, and, indeed, all the others, are in possession of the patriots. Now where are the royal forces? The population of this province is almost exclusively in the cities. The settlements commenced in this way at first, as a protection against the savages. If these cities are under the government of the patriots, what does Ferdinand govern? The gentleman from South Carolina (Mr. LOWNDES) intimates that Potosi has lately been in possession of the royal forces, and that it is not certain but that they may occupy it now. Sir, how could St. Martin cross the Andes with Potosi in possession of his enemy? Yet, he has done this; expelled the royalists from Chili, and has, probably ere this, liberated Peru. I think I may, with safety, affirm that no royalist has ventured, during these last five years, to enter this province.

But the last, and, as I believe, the most illiberal objection, is yet to be noticed:—The independence of South America would not profit us! Sir, I regret that such an objection should come from such a source. The honorable gentleman from Maryland, (Mr. SMITH,) in the true spirit of calculation, apprehends that the exports of these provinces would rival ours. Nay, more, this degraded country is to become our rival in power, and to threaten the existence of our navy. In one breath we are told, these people are too ignorant and imbecile for self-government; in the next, let them be free, and they will become mighty rivals, and engross our commerce and vanquish our navy. They are to build ships without timber, (for they bring it now from Paraguay,) and they are to navigate them without seamen.

Sir, when the Portuguese monarchy was transferred to the Brazils, we were not then alarmed at the danger of rivalry. We sent them a Minister at the rate of nine thousand dollars a year, and nine thousand dollars outfit. These South Americans are not destined to become commercial rivals to any nation. Many of them lie within the torrid zone—a country favorable to production, but not to enterprise. Your ships, your manufactures, your carrying trade, will find a brisk and constant demand, from a people with whom labor and enterprise are not familiar.

Sir, let us not indulge an unreasonable jealousy where the cause of liberty and humanity are con-

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cerned. I hope and trust that men whose fathers fought and bled in such a cause, will never be deterred by considerations selfish as these.

The hardy sons of the North will never be in danger from the freedom of the South; our sailors are inured to storms and tempests, and experienced in hardships and peril. Their enterprise will not yield to that of any people on earth. It is even childish to apprehend danger from the independence of South America; but there are strong and powerful reasons why we should rejoice at and encourage such an event. And we do rejoice at and encourage it. The President of the United States wishes, as ardently as any one, for their emancipation. He whose whole life has been devoted to freedom, cannot, does not, will not, look with indifference on events of such interest.

Sir, the people of the United States do, and ever will, take a most lively interest in the freedom of their brethren of the South. It is the cause in which we fought, and bled, and conquered. This nation now stands alone, the only established Republic on earth, like a solitary rock in the ocean, where the storms of tyranny have burst upon its brow, and the billows of faction broke harmless at its base. Will it not then be a source of consolation, that we can hail one Republic as a sister, take her by the hand, and encourage her in her advance to freedom?

Sir, I have thus far tired the patience of the Committee, in showing, that this measure is innocent in itself, and is neither hostile to Spain, nor unfriendly to the Administration. I trust I have succeeded in proving that the course of the Executive is coincident with this measure, and that whatever other gentlemen may feel, my views are to accord with, and support the Executive on this subject; and that the whole amount of the proposition is, to give the President the means, and to leave it to his entire discretion whether he shall use them or not.

Mr. TUCKER, of Virginia, said, that at this late period of the discussion, he could only claim the indulgence of the Committee upon a principle, which never failed to secure to those who asked it their patient attention. He found that, upon this occasion, he should be in a small minority of the delegation from his own State, and was, therefore, peculiarly solicitous of explaining the reasons of his differing from his honorable colleagues, for whose opinions he felt the greatest respect and deference. There was, indeed, another reason of not less importance. This proposition had been supported upon a variety of principles, and by very various arguments: nor would gentlemen be surprised to learn that his own views of a subject, which had so many aspects, had not been exactly presented, when they recur to the fact, that scarcely any two persons, who had spoken on this occasion, had entirely coincided. The honorable Speaker had declared himself for this proposition, but was opposed to war or the occupation of Florida. The gentleman from Georgia is against this proposition, but is in favor of the occupation of Florida. My

friend from Louisiana is in favor of both; and my friend from South Carolina (Mr. LOWNDES) is in favor of neither. Among these various opinions, I am inclined to the adoption of this proposition, though I coincide otherwise entirely in the pacific policy of the chairman of the Committee of Ways and Means; an opinion which I shall probably endeavor to support upon grounds considerably different from those which have been advanced by the Speaker.

Sir, I have said, on a former occasion, that I am opposed to involving the nation in war, unless a great and important occasion shall require it. I have said, that I am unwilling to entangle ourselves in the contest now raging between Spain and the provinces of South America, but, that I would maintain an honorable, impartial, and dignified neutrality. I am opposed to war, because I see no adequate advantages to be derived from it; because the occasion does not seem to justify so important and momentous a measure; because the amount of the losses for which we seek indemnity, and of the property we wish to get possession of, bears no comparison with the hazards which we must encounter, whenever we engage in war; and, because I conceive a state of war always replete with danger to the principles of our Constitution. It has long been my settled and deliberate opinion, that nothing is so apt to sap the foundation of our liberties as frequent wars. Every laurel that we gain is at the hazard of some principle of free government; every field that we win endangers some part of our Constitution. The urgency must, therefore, be pressing, the necessity imperious, which drives us to war; and, were I less convinced than the gentleman from South Carolina, of the unprofitable results of a Spanish war in other respects, the consideration I have mentioned would suffice to dissuade me from giving my voice for waging it in the present state of things.

But, sir, while opposed to war; while averse to every measure which will probably lead to it, and which the honor and interest of the nation does not require, I have said that I would preserve a strict, impartial, and dignified neutrality; and I do most sincerely believe, that, in the pursuit of this end, the measure under consideration ought to be adopted.

I cannot but regret, Mr. Chairman, the manner in which this proposition has been discussed, and the remarks that have been introduced by its opposers. I allude to the harsh expressions that have been used in speaking of these unhappy people, who have long been struggling to throw off the most galling yoke, the most hateful slavery that has ever yet tortured and degraded man. The honorable gentleman from Georgia tells us, that he sympathises in their cause, and earnestly wishes for their success. I doubt not his sincerity. Yet I would appeal to every member of the Committee, whether the harsh colors in which he has represented them, and the dark picture he has drawn of their ignorance and depravity, is calculated to transfuse into other bosoms the sympathy of his own. I will appeal

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to himself whether his glowing language is likely to win us to their cause, and to disseminate, through the nation, an interest in their prosperity, when he represented them as having lit the torch of revolution; without possessing a sentiment of liberty; with conducting it by massacres and enormities, which render them unworthy of freedom; and with terminating it in a tyranny, not inferior to that which they have overthrown. According to this view of the subject, their Revolution has commenced in ignorance; its course has been stained by murder; its end has been the subjugation of the people; and we should feel not one emotion of pity for their sufferings, or of solicitude for their welfare. Sir, I am aware that this course of remark was, in some measure, drawn from the gentleman by the observations of the Speaker. But, while he protests against the comparison of the patriots with the heroes of our Revolution, he might have spared them, at least, the contrast which he has so vividly drawn. He tells us that they hugged their chains, and loved the tyranny; and that the origin of their Revolution had no foundation in the principles of freedom. He does not attend sufficiently, I think, to the nature of revolution, or sufficiently consider the situation of this people. What would be said of that man, who, turning over the pages of our history, should charge the sages and patriots of our Revolution with hugging their chains and loving their tyrant, because of the repeated and loyal remonstrances and memorials presented to the Crown? What should we think of the statesman, who, looking only to the surface of things, should attribute our glorious struggle to a mean and mercenary spirit, which revolted only at a twelve-penny stamp, or a trivial duty on a pound of tea? Sir, those who sat at the helm were men of profound wisdom and political sagacity: deeply versed in the knowledge of their rights as freemen, and intimately acquainted with the principles of human action; and, in conducting us over the tempestuous ocean of revolution, they looked with a steady eye to the liberties of their country, while they availed themselves of all these popular breezes, to waft the vessel of state into the haven of freedom and independence. Such may be the case with the Revolution of the Spanish provinces. We are too imperfectly acquainted with the facts which led to their convulsion to pronounce them destitute of the noble principles of liberty.

Nor are sufficient allowances made for the situation of these unhappy people for many centuries. Two or three hundred years have they been groaning under a tyranny the most oppressive that has ever overwhelmed a wretched people. Nothing parallel to the misery and slavery of Spanish America can be found in the annals of the inhabitable globe. It has been governed with an iron rod, by monarchs who have been most distinguished always by whatever is most horrible in a tyranny, most detestable in bigotry, and most contemptible in imbecility. They have been involved, for centuries, in the deepest gloom of ig-

norance and superstition, into which it is the interest of tyrants forever to plunge the victims of their power. And when, at length, a beam of liberty has pierced the cloud which has so long benighted them, shall we be surprised that it has not, in a moment, dispelled the darkness, and spread abroad, throughout their land, the splendor of the meridian sun? Let us rather rejoice that light hath broken in upon them, and look with confidence to yet brighter moments. Let us remember that the throes of revolution are most violent, where the mind has been least enlightened; nor wonder that, in the struggle to throw off the Spanish yoke, greater outrages should be committed than in our own Revolution. We are told of the massacres of their enemies, and the enormities of their Revolution. Unfortunately these are evils, too, necessarily connected with civil war. Even we were not without them. The Carolinas were the scene, during our Revolution, of events that we shudder to recollect. Brother was armed against brother—neighbor against neighbor. Our foe, too, was generous and merciful, compared with the cruel and unrelenting tyrants of those wretched and struggling people. Yes, sir, the cruelties perpetrated on the Spanish patriots, by the inhuman monsters who seek their subjugation, cannot find a parallel in the annals of nations, if you except the history of Spain herself. Tear but away the page in which her bloody deeds are recorded, and you will find no parallel to her late enormities. She is, indeed, "her only parallel." And is it to be expected that, in a war like this, forbearance can be found among those who are goaded into madness by treachery and cold-blooded massacre? It is impossible!

Sir, it is for these struggling people that I own my sympathies are excited. I am not ashamed to avow them. I know it is not very fashionable to declaim in favor of liberty, and had I the disposition and the talent I should be saved the effort by the nervous eloquence of the gentleman who spoke on yesterday, (Mr. ROBERTSON.) I always listen to him with pleasure, but on yesterday with delight. His speech was dictated by a Roman spirit, and a genuine republicanism;—a republicanism that knows no change; which, during the lapse of nearly thirty years that I have known him, has remained unaltered, and unimpaired.

There is, Mr. Chairman, another course of remark that I cannot but regret on this occasion. It has been said that this proposition implies a censure on the Executive. I am well aware that the gentleman from South Carolina did not mean to intimate anything personal by the remark. Yet it cannot but have its effect.

[Mr. LOWMEYER rose and explained, saying that, as he frequently differed from the Executive himself, he could not disapprove a similar freedom of opinion in others.] Mr. TUCKER continued—

The explanation of the gentleman was unnecessary. His uniform urbanity furnished a sufficient assurance that the remark was not intended with any personal view. But, though this is the

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case, yet the intimation that the proposition is not in consonance with Executive opinion, is not without effect. The high standing and commanding talents of the gentleman may render it personally unimportant to him, whether his course conflicts with Executive opinion or not. It is not always so with others. The Executive branch of the Government, though it possesses not a very extensive direct influence, is vastly powerful in its indirect and reflected influence over this body. Elected by the suffrages of the whole nation, there are many who look upon him as the Northern Star of the political firmament, which alone preserves its place in the heavens, "fixed and unshaken of motion;" and by him they discern the aberrations of the lesser constellations of the system. I will not pretend to say that to a certain extent this may not have its advantages; but this I can venture to advance, that he who acts with candor and frankness, and with a sole view to the honor and interest of the nation, will not fail to receive approbation rather than censure for his frankness and independence. Our constituents will deal liberally by us so long as our motives are pure; and by this standard I am willing to be tried whenever I am found in collision with the Executive. But to whom are we to look on the present occasion in order to discern its opinions? To either of the two honorable chairmen, from whom we might most reasonably expect such information? No; they differ with each other. And the occupation of Florida, which one of them proposes, seems generally to be supposed at variance with the Cabinet opinion. Thus situated, I beg leave not only to disregard the intimation that this measure implies censure, but I utterly disavow and disclaim, on my part, any such idea. So far from it, that, according to my notion of things, the vote which I shall give will be founded on principles that confirm the propriety of the course pursued by the Government. What is the character of the proposition? It appropriates the usual sum for the outfit and salary of a Minister, for the purpose of sending a representative of this Government to Buenos Ayres, whenever the Executive, in the exercise of its Constitutional discretion, shall think it advisable. It commands nothing; but it intimates, in a proper and Constitutional manner, the readiness of this House to go hand in hand with the Executive, in the interesting measure of opening an intercourse with the Government of La Plata, by sending and receiving Ministers. It is in this way, and in this way only, that I understand the proposition. Is there any direct censure of the Executive here? Not at all. Is there any implied? A construction which would give to it this character, must be forced and unnatural. It is only upon the hypothesis of the gentleman from South Carolina, that such a construction has the air of plausibility. He tells us that, as the Executive have the power, this House ought not to interfere, unless there has been culpable negligence in its exercise; unless there has been unreasonable delay in sending a Minister to a foreign Power. If his doctrine be admitted as a

general rule, yet, cases like the present, must form an exception to it. There is an evident distinction between sending Ministers to old established Governments, and sending a Minister for the first time to a new Government, separating itself from one to which it had formerly been attached. The one leads to no dangerous results; the other, we are told by gentlemen, will put to hazard the peace of the country. You may send a Minister to Turkey, or to Italy, to Denmark, or to Austria, without offending any one. But we are told that, if we send a Minister to La Plata, we shall involve ourselves in a quarrel with Spain. Be it so. Is it not, then, a sufficient reason for the expression of the opinion of this House, the immediate representative of the people—the Constitutional organ for declaring war—that a contemplated measure may lead to a state of war? Is it fair to expect the Executive branch of the Government to assume, alone, the responsibility of a measure involving such momentous consequences, while we stand silently by, unwilling to share the hazard of expressing an opinion? Or, is it consistent with the spirit of our Constitution, that the Executive should pursue a course which leads to hostilities, without an intimation of the opinion and wishes of the nation, expressed through the legislative body, on so important a concern? I think not, sir; and so far from censuring the forbearance of the Executive, hitherto to send a Minister to La Plata, I applaud it; because, although I do not think it would give just cause of war, yet, as it might lead to a rupture with Spain, a proper respect for the rights of this body required that they should await its opinion on the subject. Nor ought they to send a Minister, or to receive one, without the sanction of the legislative body, until the lapse of time, or the acquiescence of Spain shall have removed every hazard of hostility. It is, then, with a view of expressing, at this time, our willingness to go hand in hand with the Executive in this affair, whenever it shall think it advisable to act, that I shall give my support to this proposition.

But, gentlemen seem to consider this an interference with the Constitutional powers of the Executive. I do not think so. This House has at all times, and on all subjects, a right to declare its opinions, leaving to the Executive to act upon them or not, according to its pleasure. Nay, it has often done more. Wherever the act to be done by the Executive has been intimately connected with the Constitutional powers of this body, it has always deemed itself competent to act. Thus, before the treaty for the purchase of Louisiana was made, \$2,000,000 were put at the disposal of the Government for a purchase of Southern territory. Here there was an act perfectly analogous. This body had no right to make a purchase, or to command the President to do so: but, as the purchase, if made, would have called upon the Legislative body for an appropriation, it was thought advisable to make it before hand, and thus indicate a correspondence of views on a subject, where correspondence was necessary. Could it have been said at this time, that

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the Executive were censured by Congress for delaying to make a purchase the interest of the nation called for? Could it then have been objected that we were trenching upon the Constitutional powers of the Executive? Could it have been alleged to be useless and frivolous, because the Executive could make the purchase without a law? If not, neither can it be said now. The act of the Executive *there* would only have called for a small appropriation. The act of the Executive *here* might have the effect of a declaration of war, which it is within the Constitutional powers of the Legislative body alone to make. It would appear to me indeed of the utmost importance, that this correspondence of views should be preserved between these two branches of the Government. How embarrassing to the Executive must it be, if, after a treaty has been made calling for a large appropriation, this body should refuse to make it, and to sanction a contract entered into with a foreign State. How much more embarrassing if, in the exercise of its Constitutional powers, the Executive should involve the nation in a war against the wishes of its Representatives. The jarring and confusion, and inefficiency that would result, might have the most fatal influence on the national success. No, sir, frankness and candor, and a free and unreserved communication of the feelings and opinions of each by the other, can never have any other than the happiest influence upon the National Councils.

The propriety of an expression of an opinion by this House on important occasions being established, it behooves us to consider the necessity of an interference at this time. Although we cannot perhaps speak very certainly of the situation of the Spanish provinces, yet, no doubt can exist that a civil war is at this time raging between the colonies and the mother country. Nor can there be more reason to doubt, that the power *de facto* in the Spanish province of Buenos Ayres is in the hands of the revolutionary patriots. And what is the principle of the law of nations applicable to this state of things? It is, that all foreign nations have a right to consider the two contending parties as two independent nations in all respects; that foreign nations have no right to judge which party is in the right, are justified in looking no farther than to the possession of the power, and in considering those who are possessed of the power, *de facto*, as the Government of the country. It is a wise and natural principle of the law of nations. It flows from the source of all national law: the rights of nations to protect themselves and to seek their own advantage without injury to others. Nations, it is said, treat and communicate with each other to procure commercial and other benefits; to obtain redress for injuries sustained, or to provide against their occurrence. It matters not to the neutral nation whether the parties at war are right or wrong; it may be its interest to make arrangements with both; it may be necessary to treat and communicate with each, to obtain satisfaction for wrongs, or to regulate their intercourse so as to prevent those infractions of neutral right, so common in a state of war.

In this view, it is only important to the neutral, that the parties are possessed of the physical power of doing injuries or conferring benefits. With a people possessed of the physical power, or power *de facto*, though in a state of civil war, the laws of nations admit the neutral to communicate as with an independent Power. They consider them in all respects as sovereign for the time being, and of course they justify communications with them by Ministers. If it were otherwise, nations at peace might suffer the direst wrongs from the parties in a civil war, without the possibility of redress, since the only way of demanding it is, by Ministers.

An application of these principles to our own case, will show the reasonableness of the rule. Spain and her colonies are at war; should they continue hostile (as Spain did with the Netherlands for half a century, without acknowledging their independence, though they were completely sovereign) can it be believed that, according to the laws of nations, all other Powers are to be debarred of the advantages of trade and commerce which they hold out? And how shall treaties of commerce be made without Ministers? Or, suppose the Republic of La Plata cruises on our commerce, or takes our shipping under illegal blockades, or attempts to enforce improper laws of contraband, or throws our citizens into dungeons, (as Spain has done with Mr. Meade,) shall we have no redress? Can we not demand satisfaction; the release of our property; the discharge of our citizens; and compensation for the injury? And how is this to be done without a Minister? And if through a Minister you make this demand, is it not a demand upon them as sovereigns for the time being? You have sent agents, or whatever they are called—(for gentlemen do not seem to agree by what name they are to be styled; they seem to be considered at present a sort of non-descripts)—and it is contended that they are not Ministers, nor invested with the mantle of ministerial inviolability—suppose they are seized and confined as spies? will you have no right to send and demand their release? And if you send another representative shall he too be unprotected by the laws of nations? or will you send a Minister, whom, on the principles of all civilized people, they will be bound to respect? The latter assuredly—the laws of nations would justify you, and Spain would have no right to complain; because, although the mission would acknowledge the existence of civil war, and that the Power to whom you sent, held for the time being the power *de facto*, it would decide nothing as to the rights of the parties or the justice of their cause; and so long as the neutral avoids this, so long is the beligerent without just cause of complaint.

The principle contended for is rendered the more apparent by the reflection, that, according to the course of reflections I have pursued, it is in the power of either of the contending parties to compel the neutral to go to war or send a Minister. Thus, by capturing our vessels, or plundering our trade, the provinces of La Plata may compel us to send a Minister to demand redress,

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or drive us into a war, which, when terminated, must terminate through Ministers. Now, it is absurd to contend, that Spain would have a right to complain at the performance of an act which the laws of nations thus manifestly permits, from the principle of self-protection and national advancement; and it would be equally absurd to deny the right to send a Minister for the prevention of injury, when the right is admitted to send one for the redress of a wrong.

If, indeed, Mr. Chairman, I am not very much deceived, the error on both sides, in this debate, has been in considering the mere act of sending or receiving a Minister from these colonies, as a recognition of their entire and permanent independence of the Kingdom of Spain. We are groping in the dark, it is true, for want of works on national law; but, as far as I have been able to discover from those I have met with, the sending a Minister to one of two parties, in a civil war, is not of itself any recognition of the rightful independence of such party. It recognises the fact of civil war, which nobody can affect to deny. It acknowledges the sovereignty, for the time being, to reside in the possessor of the power, without pretending to decide to whom the right of sovereignty belongs. These principles are believed to be clearly supported by the authority of Vattel and Martens—both approved writers on the laws of nations. [Here Mr. T. read passages from these works.]

It is upon these principles that France received Ministers of Cromwell, and it is agreed, on all hands, that Charles, when restored, had no reason to complain. On these principles have the Ministers of Napoleon been received by every potentate of Europe. On these principles, even the mother country may send Ministers to her revolting colonies, without acknowledging their independence. They are sent from the necessities arising out of a state of war. By such necessity, they are justified in neutrals, and the mission or reception of a Minister, without an express recognition, cannot receive a construction that would imply a determination to side with either party. These ideas seem to receive countenance from the intimations of the Secretary of State, in his communications with Mr. Aguirre, which appear in this morning's paper. It is not very explicit, it is true, but it intimates sufficiently clear, that recognition must be by treaty, or by some act other than the mere entertaining a Minister.

From these considerations, it would seem that we have a right to send or receive a Minister from La Plata, that Republic being in possession of the power *de facto*, and that Spain would have no right to complain of the act.

But it is admitted that the writers on national law state, that the nation generally does complain. [See Martens.] Let us, then, cursorily examine whether it is probable that Spain *will* complain when no *just* ground of complaint is afforded. I contend she will not—

Because we have already encountered all the hazard and difficulty flowing from sending or

receiving a mission, without its producing war; and because her patient endurance of what she avows to consider as a flagrant injury, contradicts the idea of her being disposed to go to war.

I have said we have encountered already all the difficulties of receiving or sending a Minister. We have sent to the South three agents, and we have received in this country (though informally) an agent from La Plata; an agent with whom, from the Secretary's letter, I think it appears he would have treated, if that agent's powers had been more full. Is it, therefore, probable Spain would take umbrage at our receiving or sending a public Minister, when she sees, at our Government seat, an agent, with whom we communicate, and who, after all, is but a Minister, though not treated with the ceremonies usual in intercourse with them? For, what is a Minister? An agent from one Power to another, invested with authority to communicate on public affairs. And I should be happy, if gentlemen can point out that passage in the law of nations which declares an individual sent on public affairs to be no Minister, or draws a distinction between an agent sent to a Court and a Minister. If there be a distinction, in the present instance, it must be on the supposition, (which is not true,) that La Plata, not being possessed of the power *de facto*, Aguirre is the private agent of Spain's rebellious subjects; and surely it cannot be less offensive to her, or less inconsistent with our duties as a nation, to receive a private agent from rebel subjects, than openly to receive a Minister, upon the true and manly and justifiable principle, that, whatever may be the rights of the parties, La Plata is, *for the time being*, possessed of the power *de facto*. Such a course appears to me both honorable and direct, and less dangerous to our peace.

Gentlemen have contended that the United States have manifested their impartiality by permitting a trade to South America in arms, and by admitting the Patriot flag into our ports. The first, it is true, is nothing extraordinary—the laws of nations permitting the trade in arms with nations at war, subject to the right of seizure for contraband. The latter—the admission of the flag—was an important manifestation of friendly dispositions, given two years ago by this Government. Don Onís complained of it. What was the reply of the Government? That a civil war was raging; that the United States could not decide the right, and was bound, by strict neutrality, to admit the flags of both. Was not this admission, and the avowal of it by the Government, a recognition of the fact, that, for the time being, during the continuance of the war, and the possession of the power *de facto* by the patriots, the patriot flag was to be considered as the flag of a sovereign Power? Was it not as complete a recognition as the receiving of a Minister to regulate that trade, which was in fact permitted? If so, (and the Spanish Minister seems, by his complaints, to have considered it a wrong to his nation,) then the great hazard which gentlemen apprehend from sending or receiving a Minister

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has already been incurred; and yet, after the lapse of two years, it has produced no hostility.

Again: The remonstrance of our Government against the blockade of Morillo, was founded on the principle, that as Spain was in a state of civil war with her colonies, and as Spanish America was really in the hands of the patriots, it was to be considered, during the existence of the war, as a sovereign Power. For, if not to be considered as sovereign, then they were to be regarded as *dependents* of Spain; and if dependents, then we have no right to trade with them without her permission, whether there be a blockade or not. The Spanish King was not, on the supposition of their being his dependents, bound to send a sufficient force to blockade. If they are to be considered in no other light than his property, he may issue a paper order from his bureau, forbidding the trade, and if our vessels attempt it, they are liable to seizure and condemnation. But our Government have very properly acted upon the principle which I am now contending for. They consider our merchants as having a right to trade with those provinces of Spain which have the power *de facto*. They consider Spain as much bound to establish an efficient blockade, as she would be if engaged in war with any other independent sovereign Power. They have protested against Morillo's blockades as inefficient, and contrary to national law; and they have demanded compensation for six of our merchant ships which have been taken under it. They have thus encountered already the greatest difficulty of recognition. That greatest difficulty arises out of the question of trade. If we recognise, our merchants will trade. If they trade, we must protect them against Spain. But this difficulty has been already encountered in the remonstrance against the blockade, and can no longer be estimated in considering the question before us.

Sir, when I reflect upon these things—that this Government has already, in so many ways, avowed and acted upon its right to consider the Spanish provinces, during the civil war, as sovereign States, and that those avowals and these acts have produced no war—that the Spanish Minister has affected to consider the taking possession of Amelia, as a direct and flagrant violation of his master's territory, but, instead of making his *congé*, remains here in his diplomatic character with the most pacific resignation—I cannot persuade myself that his King will go to war for an act, which, I think I have shown, is fully justified by the laws and practice of nations.

On the other hand, the receiving a Minister from the provinces of La Plata seems to me to be required by a just sense of our dignity and station among the nations of the earth, so soon as the Executive shall receive, through their commissioners, unquestionable evidence of their independent situation. It will be required by an impartial and dignified neutrality. A neutrality of that description cannot be said to be maintained while we have at our Government a Spanish Minister, possessed of all the honors, and dig-

nities, and respect, and immunities of the Ministerial character; and while the agent of the republican provinces of South America is not recognised as the representative of a sovereign Power, but resides here unnoticed, in the humble obscurity of a private individual. Sir, I have before said, that I approved the omission to acknowledge him heretofore, because it was in its nature, an act of some moment, and in which there should be something of correspondence in the views of the different departments of the Government. But I would pass this resolution, that a state of things might no longer exist, which cannot but grate upon all our feelings.

Mr. Chairman, I conceive the present question to be of infinite importance. Whether it was desirable that this amendment should have been proposed or not, the rejection of it now will be attended with the most important and unfortunate results. It will give to the public mind an impression most unfavorable to the patriot cause, which gentleman may, at a future period, in vain attempt to eradicate. It will convey to the Executive an opinion that this House is averse to the establishment of a regular intercourse, by Ministers, with these struggling nations. But, above all, it will convey to them an impression, that we are hostile to their cause. It may lead to acts of unfriendliness and hostility; and we shall probably find ourselves, in a few years, open enemies with those to whom we ought to be as friends.

If, on the contrary, we adopt the proposition, we command nothing—we leave everything to the control of Executive discretion; but we intimate in a Constitutional way, to the Executive branch of the Government, the willingness of the Representative body that a friendly intercourse should be established with the nations who are struggling for their independence against the most hateful tyranny of the world. We give an assurance to the unhappy patriots of the sympathies of our nation, and we cultivate in our States that generous interest in the cause of the oppressed which it is not less to the interest than it is to the honor of a Republic to cherish with the most fostering care.

Mr. H. NELSON, of Virginia, said he should not have addressed the Committee on this occasion, if the arguments by which the proposition before the House were supported had been of that harmless nature which the gentleman from Kentucky had claimed for the motion itself. But, said Mr. N., when it is supported with an earnestness and perseverance its avowed object does not warrant; when the Committee and the nation are told that they who advocate the proposition are the friends of freedom, and they who oppose it are its enemies, it is time for us, every fibre in whose hearts beats in unison with the cause of liberty, to enter into the discussion. But, sir, when I see more, that out of this proposition is to grow a division of the Republican party; that on the one side are to be rallied the exclusive friends of liberty, and those on the other side are to be denounced as inimical to it, I confess I

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am not willing that my political course, or that of the friends with whom I act, should be subjected to such misrepresentation.

The proposition is to make an appropriation to defray the expense of the outfit and a year's salary of a Minister to Buenos Ayres. It is in phraseology a simple proposition, which, on its mere recital, would seem to involve no great principle, to draw after it no important consequence. Yet, how, Mr. N. asked, was that proposition supported? Some gentlemen say this measure is in conformity with the views of the Executive, and they will vote for it because it is so. Other gentlemen advocate it, not because it is in conformity with the views of the Executive, but because the conduct of the Executive, in other cases, as well as this, has not been conformable with their views. It was thus seen that the proposition was supported on different and directly opposite grounds. My honorable colleague, said he, tells us of Executive influence; that, though no one can describe it, it is felt by all. Why these reflections on Executive influence? Has the topic been introduced by those who are opposed to this measure? No; they have contended that it is not the province of this House, unless in extreme cases, to interfere with a diplomatic question; to which it is replied that it is not an interference, but, if it be so, it is in conformity with the views of the Executive. From the report of the Secretary of State, recently laid before the House, it was obviously to be inferred that the Executive would have treated with the Minister who had presented himself from that country, if he had deemed it expedient, and that Minister had the necessary powers. Would the views of the Executive be changed by the adoption of a proposition of this sort? No, Mr. N. said; but the whole course of the Executive may be scrutinized in the discussion of it; and the gentlemen who proposed and supported it, demonstrated, by their arguments, their belief that the Executive wanted goading on the subject, because he had not received a Minister from La Plata. From what source, Mr. N. asked, have we the information that the Government of La Plata desires us to recognise her? Monsieur Aguirre could produce no powers authorizing him to treat; nay, more, it was known that Thompson, the former agent, had been recalled because he had impertinently, and without authority, demanded to be recognised as a Minister. Where, then, was the necessity or even propriety, on our part, of thus gratuitously stepping forth and forcing on these Governments our recognition of their independence? Would it not be time enough to do so, when they had shown a disposition to accept our aid? Why should this House step forward, as proposed, merely to apprise the Executive that it does possess a power to send a Minister to Buenos Ayres? The President and Senate had not deemed it expedient to send a Minister, and this House was therefore asked to take upon it the administration of the Executive powers. The object of the proposition could not be veiled; it was plain,

obvious, palpable; when this House tells the Executive it appropriates money for the purpose of sending a Minister, it is saying to the Executive we think it your duty to send that Minister. The idea, then, could not be sustained, that this was merely an intimation that, if such a step was taken, the Legislature would sanction it. Could it be fairly presumed that this House would not have appropriated money for the support of such an embassy? If the nation be so solicitous, as gentlemen contend, for the recognition of the independence of the South, and the President similarly disposed; if there be but one sentiment throughout the country respecting the subject, where was the necessity of saying in advance to the President, we will support you in the exercise of your Constitutional powers? There being no such occasion, it was an interference with the Executive authority; it was doing that which is not usual, and which is not consistent with the spirit of the Constitution, notwithstanding the cases of petty Indian treaties, &c., which gentlemen affected to consider as precedent in point. In regard to this great question of the recognition of the independence of a nation, how stood precedent? When WASHINGTON saw cause to recognise the independence of France, did he wait for the sanction of Congress to judge whether or not he ought to receive a Minister from that Government? He did not. In every view the course proposed was not reconcileable with the usages of the country; and because it was not, and in his opinion transcended the Constitutional powers of Congress, he was unwilling, on great principles, to adopt this measure.

Mr. N. said he had remarked, in the opening of his speech, that he would not have troubled the House on this occasion, but for the suggestion that the opponents of this motion were not the friends of freedom. I boast, myself, said he, as much the friend of freedom as any man created. When that cause is on the tapis, I am not lukewarm. If by my fiat liberty could be granted to all the people on the globe, it should be done, and the welkin should resound with their cries of joy. I am not, therefore, averse to the success of the advocates of freedom in South America; so far from feeling apathy in respect to it, I trust in Heaven their arms will be successful; that they will achieve and maintain their independence.

Mr. N. said he had expected, when the Speaker introduced this great and important proposition—for such the gentlemen had made it, by showing it to be such in his estimation, and its importance was not to be frittered away by arguments going to show that it meant nothing more than a mere declaration of assent to the execution of a Constitutional power by the President of the United States—he had expected, he said, to have heard the Speaker examine one question, on which the expediency of adopting his proposition wholly depended, but which he had entirely overlooked: what good would result to the people of South America from this act? Were the people of South America competent to maintain their independence? I trust in God, said Mr. N., they

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are. If they are, your recognition of their independence affords them no benefit. If they are not competent to maintain it, of what avail will be your recognition? Will it give strength to the arm of the nerveless, or animate the sluggish? It can work no such salutary effect. If the people of South America are incompetent to maintain their independence, their recognition by the United States will not confer the ability. But, said Mr. N., will you, if you recognise this nation, refuse to go to war, if necessary, to support that recognition? The American nation will never be guilty of such perfidy. The Speaker says he is not now the advocate of a war with Spain; but, I cannot believe, sir, that when we have embarked in the cause of the patriots, by sending them a Minister, if we find them sinking beneath the weight of the chains of oppression, that the Speaker would sit quietly in his place, and see that liberty which he says they have for ten years enjoyed, wrested from them. No, sir; if we take one step which has the effect to render us an ally of the Southern countries at war with Spain, we cannot stop short of a war in their behalf. For, though I love peace, and believe that we can never go to war without jeopardizing some important principle, I would yet hazard that, having advanced so far as is now proposed, rather than see the liberty of eighteen millions of people, once recognised, destroyed without an effort to preserve it. The affording them aid by arms, if necessary, will be the unavoidable consequence of taking this step.

If we give no strength to the cause of the patriots by the proposed recognition; if a war with Spain is not to follow in its train, where is the necessity of the step? Admit that it be not pregnant with the evil consequences to our own country, contended for by some, and admitted by others to be possible at least, where is the advantage or propriety of legislating without any possible prospect of doing good to ourselves or others?

But one gentleman has said, we have already recognised the independence of the provinces of La Plata, because we have admitted their flag into our ports, and because we have reclaimed property seized under the blockade of their ports by Old Spain. If this argument prove anything as to us, what does it prove as to Spain herself? If we have recognised the independence of the provinces by reclaiming property captured under the illegal blockade of them by Spain, what has Spain done by instituting that blockade? As long as the provinces belonged to Spain, she had a right to restrain their commerce by law; but, instead of so doing, she has declared a blockade of their ports, and it was not usual, certainly, for a nation to declare a blockade of its own ports. If, therefore, the gentleman had succeeded in proving by his argument, that we have already recognised the independence of La Plata, he has by the same argument established, what is much more important, that Spain herself has recognised their independence, and of course absolved them from

their allegiance. I think, however, my colleague failed in his argument. He has not proved that the act to which he refers is a recognition of independence, any more than he has proved that treating with a private agent of a Government, is equivalent to receiving a public Minister. How has Mr. Aguirre been received? He has sent a communication, and has received an answer. And Don Pazos too—he, finding that the Executive would not treat with him, comes to Congress and some gentleman advocated his having an audience here. At one moment the President is charged with hostility to the patriots for rejecting Don Pazos, and at another it is contended that the merely receiving a letter from a man announcing himself as a foreign agent is a recognition of the independence of the country which he professes to represent. How are we to decide amidst such a discord of arguments, the one of which conflicts the other? The truth is, that neither of the persons referred to has been recognised in any other than his individual capacity.

But what is more afflicting, said Mr. N., to my feelings, is the charge of hostility to liberty. It is said, that we are afraid of Spain!—What means this? Are the scenes through which we have recently passed already to be set down as a tale of the times of old? Is the stale charge of foreign influence so soon to be disinterred? A few short years ago, one party in our country could not take a step but the Emperor of France had dictated it, whilst for all its acts the motives of the opposite party were referred to attachment to the King of Great Britain. Shall this species of conflict be now revived? Shall we never be allowed in our deliberations to consult American interests only? Is our country to be forever torn into parties by imputations of foreign feelings? I have no objection, sir, to a division of parties, if gentlemen see proper—but let us hear no more of foreign partialities; or of subservience to foreign power. The gentleman from Louisiana conjures us up another spectre, the fear of Great Britain—advances to the field with gallant helm and hauberk, and fights until he beats it down. The gentleman from Massachusetts, in a different way, brings forward and defeats another spectre, its twin brother, if not the same. Both the gentlemen, the one in armor dight, the other in the buskin clad, encounter the same goblin with equal reason and with like success. Sir, I would not rush madly into war; but I would not have fear pervade the public councils, where, it is said, and truly said, that fear betrays like treason. We, however, are afraid of Great Britain! and we are afraid of Spain—and we are the foes of liberty! In this light do gentlemen exhibit us to the world, whilst they are the exclusive friends to liberty. It is not on the side of France and England, then, it seems, as in old times, that parties are now to be arrayed; but one on the side of Old Spain, and the other on the side of the patriots. Sir, we are either afraid of, or devoted to Spain. Poor enfeebled monarchy! If, as gentlemen contend, its

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treasury is empty, and its power diminishing, the influence which they affect to deprecate will not last long. But it will last long enough to do this—to divide the country into factions; and we who, side by side with the advocates of this motion, have been contending against domestic factions and foreign enemies, are to be denounced as the enemies of liberty, and they to be held up as its exclusive advocates, though I deny them their title, and will contest with them the right to it. The President, too, is to be on our side. Very good company, said Mr. N., and I have no objection to it; he has, no doubt, equally with us deserved to be denounced as the foe of liberty. Did he not toil with us in the late contest? Did he not, at the age of eighteen, long before many of us saw the light, wield the sword in his country's service? And has not every act of his life, at home and abroad, proved him the friend of liberty and free government? Why, then, said Mr. N., are he and we to be denounced as the enemies of liberty? I do regret this debate, because I view it as the epoch of a division of the old Republican party. We are to be rent in twain, and one moiety of it is to be arrayed against the other. Those with whom I act are, it appears, to contend against the old disgusting tale of foreign influence. Such a division, as he anticipated, Mr. N. said, was an evil not to be condemned, but which every one belonging to the party must feel and deprecate. It would be to each one arrayed in the opposing ranks, a conflict against a brother, against an approved and tried friend. In a cause where the best interests of the country were in jeopardy, said Mr. N., we have been tried together against the strongest foe. Yes; the brothers and friends, who have thus fought side by side, are to be now divided; for what? Do we essentially differ in our avowed objects? Not at all. Are we, who cannot assent to this motion, opposed to the independence of La Plata? Are we unwilling that the people of South America should shake off the yoke of Spain? No, we are not. But this feeling which comes from abroad to divide us, is, for reasons not to be penetrated, to destroy that harmony of which we had so fair a prospect.

Mr. N. said that he had already stated that, if the provinces of La Plata were competent to maintain their independence, this Government could give them no aid of any importance to them; which aid, therefore, those provinces did not want. Could not those provinces, he asked, effect their independence without the interference of the United States? Gentlemen had informed the House that the population of the provinces was larger than our own at the present day. The population of those provinces, too, gentlemen had told the House, was greater than that of the mother country. And if Spain is not competent to protect the skirt of territory she holds adjoining our southern boundary, nor to suppress the opposition to her authority which has for seven years existed in the South; if she be thus crippled, what difficulty can there be in maintaining the independence of the provinces, those of La

Plata for instance, which have not a single European soldier to contend with. Where is the necessity of our volunteering, without reason and without motive, to perform an act which may, by possibility, terminate in war with some foreign Power? Certainly it cannot be shown. And what is the particular act it is proposed that we should do? Send a Minister to the Provinces of La Plata, it is said. Have they, asked Mr. N., invited you to send a Minister to them? Have they sent one of their own? So far from it, have they not punished one of their agents who asked to be received as a Minister? Why, then, this precipitancy?

But, it had been said, that the President, though not at this moment disposed formally to recognise the independence of these provinces, might change that disposition, and be willing, during the recess, to send a Minister to Buenos Ayres. Suppose that the fact should occur; that the President, by the advice of his Cabinet, should change his disposition, on receiving information, from our Commissioners, such as would justify it. The disposition to receive their Minister and return the compliment, may be made known to the agent here, and even the Minister might be appointed and sent without the intervention of Congress.

Suppose we adopt this proposition, send a Minister to the provinces of La Plata, and make a treaty of commerce with them. Spain, whose right of blockade, with an efficient force, has not been denied, blockades the ports of the provinces, over which she still claims sovereignty, and captures our vessels. Will the Speaker, then, consent to wait a little longer for the settlement of our differences with Spain? No: he would feel more indignation than he manifested on the occasion of the reply of the late Secretary of State to the Minister of Spain. If you attempt to enter those ports by a resistance of the blockade, to war you must go: you can no longer negotiate, but must sustain your rights by force of arms. If you negotiate a treaty of commerce with those Powers, and Spain dares to interrupt your exercise of the rights established by that treaty, you must support, by war, the position you have taken.

However humble may be the importance of this proposition in an abstract view, the adoption of it must necessarily terminate in a war with Spain. Like the honorable gentleman from South Carolina, I too, said Mr. N., am indisposed to calculate on the imbecility of a nation, as inferred from the mismanagement of its resources. Besides, sir, how does it comport with the magnanimity which becomes the advocates of liberty, to do an act, which they would not otherwise do, because Spain is not in a condition to resent it? Will we trample, still lower in the dust, the Power which, by accident, is reduced so low? Such a policy does not comport with that magnanimity which has distinguished the councils of this nation, from the commencement of this Government to the present day. What, sir, was the charge advanced against us when we made war

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with England? That we took advantage of her situation, pressed by France and surrounded by enemies. And how indignantly did we rebut the charge! The Speaker, among others, repelled and spurned the charge thus made by the foes of the Government. Abstracted from the consideration that we may be mistaken in our calculation on the poverty of the resources of Spain, and that she may rise to an eminence which we do not foresee, I will not, because the Spanish Government is depressed, because her treasury is exhausted, do an act which I would not do to her in a different situation, or to any Power on earth. Spain has given us just cause for war; but, if that is to be our policy, let us go directly to our object, and take Florida and Cuba.

Although, said Mr. N., as I have suggested, the most injurious consequences might flow from the adoption of the proposition before the House, under the views which I have taken of it, I would yet hesitate in the rejection of it, if there was even a remote probability of its producing good consequences. But I believe it will have no such effect; that it will not strengthen the hands of the colonies to do any act which they are not already capable of performing. Nor can it produce any beneficial change in the commercial relations between us and them. Have we not already a free commerce with them? They want not men; for they have even more than we. They want munitions and implements of war. Have they not, for this purpose, ample access to our markets; and is not their flag protected within our ports? They already enjoy a free commerce with us in all the articles important to them; and they would not have any more if they had a Minister resident here. Will gentlemen condescend to substitute plain fact for lofty declamation, and show me what practical advantages are to accrue to either party, from the interchange of Ministers? This is the true question at issue: and, although we have been delighted, amused, and instructed, by the eloquence, the enthusiasm, and the historical and commercial facts of the mover of the proposition before us; yet, after all, the honorable Speaker did not, in his whole argument, touch the point on which this question turns. If any great advantage were to result to the independents from the adoption of the motion, I should be brought to pause in my determination. I put self out of the question; I will not examine the advantages which would result to this country from an intercourse with the provinces—neither, if we enjoy more advantages from that commerce now than if they were recognised, that argument would not affect my vote—I will not examine the question as connected with our commercial interests; but I wish gentlemen who advocate this proposition to show us what advantages are to result to the provinces from a similar recognition, in form, of their independence. This very day has information been received, which will destroy much of our hopes, and many of the arguments in favor of this proposition. It was but the other day Pueyrredon was put down, and some other one put up in his place; and not a

gentleman here can tell us what is the actual condition of these provinces. Those who were free yesterday may be subjugated to-day, and freed again to-morrow. The Government has sent our Commissioners expressly charged to ascertain the state of the country. Why, then, this haste to anticipate a deliberate decision by the Constitutional organ of intercourse with foreign Powers? Before the next meeting of Congress, the actual state of things will be satisfactorily ascertained, and the President will be enabled, without our meddling or interference, to send a Minister or receive one, if he shall find it expedient. But perhaps the Speaker will equally object to that delay, as he has done to waiting a little longer for a settlement with Spain. I am for refraining, in both cases until we can act in a manner consistent with the public interest, and with our political duties and obligations.

In fine, Mr. N. said, although he was disposed to do everything which would promote the cause of liberty, whether in the frozen regions of the North, or under the scorching influence of a tropical sun, he was at present in favor of standing still, in the position we now occupy, and patiently waiting until we know the actual situation of the country proposed to be visited by a Minister from us; he was in favor of waiting, until the President acts in such a manner as to make it necessary for this House to goad him on in the performance of his duty.

When Mr. N. had concluded, the Committee rose, and had leave to sit again.

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SATURDAY, March 28.

THE SPEAKER laid before the House a letter from Richard Bland Lee, Commissioner of Claims, transmitting reports of the facts in the cases of Jacob B. Gilbert, and Asa Fuller, of the State of New York, with the evidence accompanying each; which was referred to the Committee of Claims.

On motion of Mr. RHEA, the Message of the President of the United States, of the 18th of January, 1816, recommending the confirmation of certain grants or reservations of land, made by the friendly Creek Indians, to Major General Jackson, Benjamin Hawkins, and others, were referred to the Committee on Private Land Claims.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, reported a bill making provision for the claim of M. Poirey, as Secretary and Aid-de-Camp to Major General La Fayette; which was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act for the relief of Michael Hogan; An act for the relief of John G. Bogert; and, An act to increase the salaries of certain officers of Government; in which they ask the concurrence of this House.

The said bills were, severally, read twice, and the two former referred to the Committee of

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Claims, and the latter to the Committee of Ways and Means.

An engrossed "Resolution directing the printing and distribution of the act to provide for the surviving officers and soldiers of the Revolutionary army," was read the third time, and passed.

An engrossed bill, entitled "An act concerning the Territory of Alabama," was read the third time, and passed.

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The House again resolved itself into a Committee of the Whole on the general appropriation bill, Mr. CLAY's amendment, going to make an appropriation for the outfit and year's salary of a Minister to Buenos Ayres, still pending.

Mr. CLAY said that, as no other gentleman appeared disposed to address the Chair, he would avail himself of this opportunity of making some remarks in reply to the opponents of his motion.

The first objection which he thought it incumbent on him to notice was that of his friend from South Carolina, (Mr. LOWNDES,) who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be ingrafted which was likely to give rise to a difference between the two branches of the Legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, Mr. C. said, the item in the appropriation bill next following this, and reported by the gentleman himself, was infinitely more objectionable—which was an appropriation of thirty thousand dollars for defraying the expenses of three Commissioners, appointed, or proposed to be paid, in an unconstitutional form. It could not be expected that a general appropriation bill would ever pass without some disputable clauses; and in case of a difference between the two Houses, (a difference which we had no right to anticipate in this instance,) which could not be compromised as to any article, the obvious course was to omit such article altogether, retaining all the others; and, in a case of that character, relative to the brevet pay, which had occurred during the present session, such had been the ground the gentleman himself had taken in a conference with the Senate, of which he was a manager.

The gentleman from South Carolina, Mr. C. said, had professed to concur with him in a great many of his general propositions; and neither he nor any other gentleman had disagreed with him, that the mere recognition of the independence of the provinces was no cause of war with Spain; except the gentleman from Maryland, (Mr. SMITH,) to whom he recommended, without intending disrespect to him, to confine himself to the operations of commerce, rather than undertake to expound questions of public law; for he could assure the gentleman that, although he might make some figure with his practical knowledge, in the one case, he would not, in the other. No man, Mr. C. said, except the gentleman from Maryland, had come out with what he would call the hardihood to contend that, on the

ground of principle and mere public law, the exertion of the right of recognising another Power is cause of war. But, said Mr. C., though the gentleman from South Carolina admitted that the recognition would be no cause of war, and that it was not likely to lead to a war with Spain, we found him shortly after, getting into a war with Spain, how, I did not see, and by some means, which he did not deign to discover to us, getting us into a war with England also. Having satisfied himself, by this course of reasoning, the gentleman had discovered that the finances of Spain were in a most favorable condition! On this part of the subject, Mr. C. said, it was not necessary for him to say anything after what the Committee had heard from the eloquent gentleman from Massachusetts, (Mr. HOLMES,) whose voice, in a period infinitely more critical in our affairs than the present, had been heard with so much delight from the East, in support of the rights and honor of the country. He had clearly shown that there was no parallel between the state of Spain and of this country; the one, of a country whose resources were completely impoverished and exhausted; the other, of a country whose resources were almost untouched. But, Mr. C. said, he would ask of the gentleman from South Carolina, if he could conceive that a State, in the condition of Spain, whose Minister of the Treasury admits that the people have no longer the means of paying new taxes; a nation with an immense mass of floating debt, and totally without credit, could feel any anxiety to engage in war with a nation like this, whose situation was, in every possible view, directly the reverse? He asked, if an annual revenue, equal only to five-eighths of the annual expenditure, exhibited a financial ability to enter upon a new war, when, too, the situation of Spain was altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enabled them to supply, by loans, any deficit in the income?

Notwithstanding the diversity of sentiment which had been displayed during the debate, Mr. C. was happy to find that, with one exception, every member had done justice to the struggle in the South, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me, (Mr. NELSON,) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us. Although his speech has been distinguished by his accustomed eloquence, I should be glad, Mr. C. said, to agree on a cartel with the gentlemen on the other side of the House, to give them his speech for his vote. The gentleman says his heart is with us, that he ardently desires the independence of the South. Will he excuse me for telling him that, if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the Republican party is about to be made by the proposition under consideration. Who is to furnish, in

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this respect, the correct criterion—whose conduct is to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the Government to the present day? An attachment to liberty; a devotion to the great cause of humanity—of freedom—of self-government—and of equal rights. If there is to be a division, (as the gentleman says)—if he is going to leave us, who are following the old track—he may in his new connexions find a greater variety of company, which perhaps may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages and under all Governments—Democrats and Federalists, Whigs and Tories, Plebeians and Patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the Republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty. And the honorable gentleman who spoke of appealing to the public sentiment, will find when he does so, (or I am much mistaken,) that public sentiment is also on the side of public liberty and of human happiness.

But, the gentleman from South Carolina has told us, continued Mr. C., that the Constitution has wisely confided to the Executive branch of the Government the administration of the foreign concerns of the country. Has the honorable gentleman attempted to show, (though his proposition be generally true, and will never be controverted by me,) that we also have not our participation in the administration of the foreign interests of the country, when we are called upon, in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? Mr. C. said he had stated, when up before, (and he had listened in vain for an answer to the argument,) that no part of the Constitution had said which should have precedence—the act making an appropriation for paying a Minister, or the act of sending one. He had then contended, and now repeated, that either the acts of deputing and of paying a Minister should be simultaneous, or (if either had preference) the act of appropriating for his pay should precede the sending of a Minister. He challenged gentlemen to show him anything in the Constitution which directed that a Minister should be sent before his payment was provided for. He repeated what he had said the other day, that by sending a Minister abroad during the recess, to nations between whom and us no such relations existed as to justify incurring the expense, the legislative opinion was forestalled or unduly biassed. He appealed

to the practice of the Government, and referred to various acts of Congress, for cases of appropriations without the previous deputation of the agent abroad, and without the preliminary of a Message from the President asking for them. Mr. C. here quoted the act authorizing the establishment of certain consulates in the Mediterranean, and affixing salaries thereto, in consequence of which the President had subsequently appointed Consuls, who had been receiving their salaries to this day. Other acts he quoted, of a similar character, from which it appeared, he said, that Congress had constantly pursued the great principle of the theory of the Constitution, for which he now contended; that each department of the Government must act within its own sphere, independently, and on its own responsibility. It was a little extraordinary, indeed, after the doctrine which had been maintained the other day, of a sweeping right in Congress to appropriate money to any object, that it should now be contended that Congress had no right to appropriate money to a particular object. The gentleman's (Mr. LOWNDES) doctrine was broad—comprehending every case—but, when proposed to be exemplified in any specific case, it did not apply. Mr. C. said, his theory of the Constitution on this particular subject, was, that Congress had the right of appropriating money for foreign missions—the President the power to use it. The President having the power, he was willing to say to him, Here is the money (which we alone have a right to appropriate) which will enable you to carry your power into effect, if it seems expedient to you. Both being before him—the power and the means of executing it, the President would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, Mr. C. said, each department of the Government would act independently, without influence from, and without interference with, each other. He had quoted cases from the statute book to show, that in instances where no foreign agent had been appointed, but only a possibility of their being appointed, appropriations had been made for paying them. He proceeded to show, that, even in case of the subject-matter of a negotiation—a right much more important than that of sending an agent—an appropriation of money had preceded the negotiation of a treaty. Thus, in the third volume of the new edition of the laws, page 27, he quoted a case of an appropriation of twenty-five thousand eight hundred and eighty dollars to defray the expense of such treaties as the President of the United States might deem proper to make with certain Indian tribes. An act, which had been lately referred to, appropriating two millions for the purchase of the Floridas, was a case still more strongly in point, as contemplating a treaty, not with a savage, but a civilized Power. In this case there might have been (though he believed there was not) an Executive Message, recommending the appropriation; but he took upon himself to assert, that in almost all the cases he had quoted, there was no previous Executive intimation that

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the appropriation of the money was necessary to the object. But Congress had taken up the subjects, and authorized these appropriations, without any official call from the Executive to do so.

With regard to the general condition of the provinces now in revolt against the parent country, Mr. C. proceeded to say, he would not take up much of the time of the House. Gentlemen were, however, much mistaken as to many of the points of their history, geography, commerce, and produce, which had been touched upon. Gentlemen had supposed there would be from those countries a considerable competition of the same products which we export. Mr. C. ventured to say, that, in regard to Mexico, there could be no such competition; that the table lands were at such a distance from the seashore, and the difficulty of reaching it was so great as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the breadstuffs as soon as they arrive. With respect to New Grenada, the gentleman from Maryland was entirely mistaken. It was the elevation of Mexico, principally, which enabled it to produce breadstuffs; but New Grenada, lying nearly under the line, could not produce them. The productions of New Grenada for exportation were the precious metals, (of which, of gold particularly, a greater portion was to be found than in any of the provinces except Mexico,) sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela the principal productions were coffee, cocoa, indigo, and some sugar. Sugar was also produced in all the Guianas, French, Spanish, and Dutch. The interior of the provinces of La Plata might be productive of breadstuffs, but they were too remote to come into competition with us in the West India market, the voyages to the United States generally occupying from fifty to sixty days, and sometimes as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between Buenos Ayres and the West Indies would be found, and would show that, in the supply of the West India market with breadstuffs, the provinces could never come seriously into competition with us. And, with regard to Chili, productive as it might be, did the gentleman from Maryland suppose that vessels were going to double Cape Horn, and come into competition with us in the West Indies? It was impossible. But, Mr. C. said, he felt a reluctance at pursuing the discussion of this part of the question; because he was sure these were considerations on which the House could not act, being entirely unworthy of the subject. We might as well stop all our intercourse with England, with France, or with the Baltic, whose products are in many respects the same as ours, as to act on the present occasion under the influence of any such considerations. It was too selfish, too mean a principle, for this body to act on, to refuse its sympathy for the patriots of the South, because some little advantage of a commercial nature might be retained to us from their remaining in the present

condition—which, however, he totally denied. Three-fourths of the productions of the Spanish provinces were the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But, it seemed, that a pamphlet had recently been published on this subject, to which gentlemen had referred. Now, said Mr. C., permit me to express a distrust of all pamphlets of this kind, unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish Minister, have been written by some merchant who has a privilege of trading to Lima under royal license; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Samiento, of whom, perhaps, the gentleman from Maryland (Mr. SMITH) could give the House some information. To gentlemen thus privileged to trade with the Spanish provinces under royal authority, the effect of a recognition of the independence of the provinces would be to deprive them of that monopoly. The reputed author of the pamphlet in question, Mr. C. said, if he understood correctly, was one who had been, if he were not now, deeply engaged in the trade, and he would venture to say that many of his statements were incorrect. In relation to the trade of Mexico, Mr. C. said he happened to possess the Royal Gazette of Mexico of 1804, showing what was the trade of that province in 1803; from which it appeared that, without making allowance for the trade from the Philippine Islands to Acapulco, the imports into the port of Vera Cruz were in that year twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among these articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example, brandy and spirits; paper, iron, implements for agriculture, and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting in the whole to one-seventh part of the whole import trade to Mexico. With regard to the independence of that country, which gentlemen seemed to think improbable, Mr. C. rejoiced that he was able to congratulate the House that we have, this morning, intelligence that Mina yet lives, and the patriot flag is still unfurled, and the cause infinitely more prosperous than ever. This intelligence he was much in hopes would prove true, notwithstanding the particular accounts of his death; which, there was so much fabrication and falsehood in the Spanish practice, were not entitled to credit unless corroborated by other information. Articles were manufactured in one province to produce effect on the other provinces and in this country; and he had therefore always been disposed to think that the details respecting the capture and execution of Mina were too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, Mr. C. said, it is to be determined by the quantum of its population, and its charac-

ter, its productions, and the extent and character of the territory; and, applying these criteria to Spanish America, no nation offered higher inducements to commercial enterprise. Washed on the one side by the Pacific, on the other by the South Atlantic; standing between Africa and Europe on the one hand, and Asia on the other, lying along side of the United States, her commerce must, when free from the restraints of despotism, be immensely important, particularly when it is recollected how great a proportion of the precious metals it produced, for that nation which can command the precious metals, may be said to command almost the resources of the world. One moment, said Mr. C., imagine the mines of the South locked up from Great Britain for two years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country. The revenue of Spain in Mexico alone, was, in 1809, twenty millions of dollars, and in the other provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the clergy. When you look at the resources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce, would be proportionally great; that it yields a large revenue under the most abominable system, under which nearly three-fourths of the population are unclad, and almost as naked as from the hands of nature, because absolutely deprived of the means of clothing themselves; what may not be the effect on this country, under the operation of a different system which would let industry develop its resources in all possible forms? Such a neighbor could not but be a valuable acquisition in a commercial point of view.

Gentlemen had denied the fact of the existence of the independence of Buenos Ayres as early a date as he had assigned to it. The gentleman from South Carolina, who was well informed on the subject, did not, Mr. C. thought, exhibit his usual candor on this part of it. When the gentleman talked of the upper provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the House what was the actual state of the fact, with which he was sure the gentleman was very well acquainted. In 1811 the Government of Buenos Ayres had been in possession of every foot of the territory of the Viceroyalty. The war had been raging from 1811 to 1815 in those interior provinces, bordering on Lima, which had been as often as three times conquered by the enemy, and as often recovered, and from which the enemy was now finally expelled. Was this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had possession of different parts of our country; as late as 1780,

the whole of the Southern States had been in their possession; and at an earlier date they had possession of the great Northern capitals. There was, in regard to Buenos Ayres, a distinguishing trait, which did not exist in the history of our Revolution. That was, that from 1810 to the present day the capital of the Republic of La Plata had been invariably in the possession of the patriot Government. Gentlemen must admit that when, in 1814, she captured at Montevideo an army as large as Burgoyne's, captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it was, indeed, not very material under what name or under what form. The fact of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the Viceroyalty had been a Captain-Generalship; that it extended then only to Tucuman, while of late and at present the Government extended to the Desaguadara, in about the sixteenth degree of south latitude. There were other reasons why there was some confusion in the number of the provinces, as stated by different writers; there was, in the first place, a territorial division of the country—then a judicial, and next a military division, and the provinces have been stated at ten, thirteen, or twenty, according to the denominations used. This, however, he, with the gentleman from South Carolina, regarded as a fact of no sort of consequence.

Mr. C. said he would pass over the report lately made to the House by the Department of State, respecting the state of South America, with only one remark: that it appeared to him to exhibit evidence of an adroit and experienced diplomatist negotiating, or rather conferring on a subject, with a young and inexperienced Minister, from a young and inexperienced Republic. From the manner in which this report was communicated, after a call for information so long made, and after the lapse of two months from the last date in the correspondence on the subject, Mr. C. declared he was mortified at hearing the report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the Minister had not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular States whose independence he wished acknowledged? Suppose the French Minister had asked of Franklin what number of States he represented? Thirteen, if you please, Franklin would have replied. But, M. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr. Franklin have said? Mr. C. said it would have comported better with the frankness of the American character, and of American diplomacy, if the Secretary, avoiding cavils about the form of the commission, had said to the Minister of Buenos Ayres, "at the present

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moment we do not intend to recognise you, or to receive or send a Minister to you."

But among the charges which gentlemen had industriously brought together, the House had been told of factions prevailing in Buenos Ayres. Do not factions, Mr. C. asked, exist everywhere? Are they not to be found in the best regulated and most firmly established Governments? Respecting the Carreras, public information was abused, Mr. C. said; they were supposed to have had improper views, designs hostile to the existing Government, and it became necessary to deprive them of the power of doing mischief. And what was the fact respecting the alleged arrest of American citizens?—Buenos Ayres had been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans; he had before defeated the revolution in Chili by withholding his co-operation; the Government of Buenos Ayres, therefore, said to him, we do not want your resources; our own army is operating; if you carry yours there it may produce dissension, and cause the loss of liberty—you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape, to Montevideo, and afterwards, where they pleased. With respect to the conduct of that Government, he would only recall the attention of gentlemen to the orders which had lately emanated from it for the regulation of privateers, which had displayed a solicitude to guard against irregularity, and to respect the rights of neutrals, not inferior to that ever shown by any Government which had ever attempted to regulate this licentious mode of warfare.

The honorable gentleman from Georgia had commenced his remarks the other day by an animadversion which, Mr. C. said, he might well have spared, when he told us that even the prayers of the Chaplain of this House had been offered up in behalf of the patriots. And was it reprehensible, Mr. C. asked, that an American chaplain, whose cheeks were furrowed by age, and his head as white as snow, who had a thousand times, during our own Revolution, implored the smiles of Heaven on our exertions, should indulge in the pious and patriotic feelings flowing from his recollections of our own Revolution? Ought he to be subject to animadversion for so doing, in a place where he could not be heard in reply? Ought he to be subject to animadversion for soliciting the favor of Heaven on the same cause as that in which we fought the good fight, and conquered our independence? He trusted not.

But the gentleman from Georgia, it appeared, could see no parallel between our Revolution and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence; neither, Mr. C. said, did ours. Such was the loyalty of the Creole

character, that, although groaning under three hundred years of tyranny and oppression, they had been unwilling to cast off their allegiance to that Throne, which had been the Throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of Government, they gradually, and perhaps at first unintentionally, entered into revolution. Mr. C. said he had it from those who had been actively engaged in our Revolution; from that venerable man, (Chancellor Wythe,) whose memory he should ever cherish with filial regard, that a very short time before our Declaration of Independence, it would have been impossible to have got a majority of Congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the Throne, and avowing our anxiety to remain under the Crown of our ancestors; independence was then not even remotely suggested as our object. The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the South are fighting for liberty and independence—for precisely what we fought for. But their revolution, the gentleman told the House, was stained by scenes which had not occurred in ours. If so, Mr. C. said, it was because execrable outrages had been committed upon them by the troops of the mother country, which were not upon us. Could it be believed, if the slaves had been let loose upon us in the South, as they had been let loose in Venezuela; if quarters had been refused; capitulations violated; that General WASHINGTON, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy; mercy to both parties. The only means by which the coward soul that indulges in such enormities can be reached, is to show to him that they will be visited by severe but just retribution. There were traits in the history of this revolution, Mr. C. said, which showed what deep root liberty had taken in South America. He stated an instance. The only hope of a wealthy and reputable family, said he, was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. "Go," said he to his companions in arms, "I alone am sufficient for its defence." The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. Mr. C. narrated another instance of the intrepidity of a female of the patriot party. A lady in New Grenada had given information to the patriot forces of plans and instructions by which the capital might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming—"You shall not hear it from my mouth; I will die, and may those live who can free my country."

But the House had been told, and told with a triumph worthy of a better cause—why recognise this Republic? Where is the use of it? And was it possible, Mr. C. asked, that gentlemen could

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see no use in recognising this Republic? For what did the Republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pueyrredon in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me, (Mr. BLOOMFIELD,) the high sanction of whose judgment in favor of my proposition I fondly anticipate, with what anxious solicitude, during our Revolution, he and his glorious compatriots turned their eyes to Europe, and asked to be recognised. I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognised us! The moral influence of such a recognition on the patriot of the South will be irresistible. He will derive assurance from it of his not having fought in vain. In the constitution of our natures, there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair losing all stimulus to exertion. And, Mr. C. asked, was there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their Ministers were yet spurned from the Courts of Europe, and rejected by the Government of a sister Republic. Contrast this conduct of ours, said Mr. C. with our conduct in other respects. No matter whence the Minister comes, be it from a despotic Power, we receive him; and even now, the gentleman from Maryland (Mr. SMITH) would have us send a Minister to Constantinople, to beg passage through the Dardanelles to the Black Sea, that, I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none—he who can see no advantage to the country from opening to its commerce the nameless resources of South America, would send a Minister begging to Constantinople for a little trade! Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a Minister to the Porte. Yes, sir, from Constantinople or from the Brazils; from Turk or Christian; from black or white; from the Dey of Algiers or the Bey of Tunis—from the Devil himself, if he wore a crown, we should receive a Minister. We even paid the expenses of the Minister of his Sublime Highness the Bey of Tunis, and thought ourselves highly honored by his visit. But, let the Minister come from a poor Republic, like that of La Plata, and we turn our back on him. No, sir, we will not receive him. The brilliant costumes of the Ministers of the Royal Governments are seen glistening in the circles of our drawing rooms, and their splendid equipages rolling through the avenues of the Metropolis; but the unaccredited Minister of the Republic, if he visit our President or Secretary of State at all, must do it *incog.*, lest the eye of Don Onís should be offended by so unseemly a

sight! Mr. C. said, he hoped the gentleman from South Carolina, who was so capable of estimating the effect of moral causes, would see some use in recognising the independence of La Plata. He appealed to the powerful effect of moral causes, manifested in the case of the French Revolution, when, by their influence, that nation swept from about her the armies of the combined Powers by which she was environed, and rose up the colossal Power of Europe. There was an example of the effect of moral power. All the patriots asked, all they wanted at our hands, was to be recognised as, what they had been for the last eight years, an independent Power.

But, it seems, said Mr. C., we dare not do this, lest we tread on sacred ground; and an honorable gentleman from Virginia (Mr. SMYTH) who, when he has been a little longer in this House, will learn to respect its powers, calls it an usurpation on the part of this House. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too an usurpation on the part of this House. That power, too, however, he admitted to belong to the Executive, and traced it to an imperial source, informing us that Cæsar, or somebody else, had exercised it. Sir, the gentleman has mistaken his position here; he is a military chieftain and an admirable defender of Executive authority, but he has yet to learn his horn-book as to the powers of this branch of the Legislature. Usurpation, Mr. C. said, is arrogating to yourself authority which is vested elsewhere. But what was it that he proposed, to which this term had been applied? To appropriate money to pay a foreign Minister his outfit and a year's salary. If that be an usurpation, said he, we have been usurping power from the commencement of the Government to the present time. The chairman of the Committee of Ways and Means has never reported an appropriation bill without some instance of this usurpation.

There are three modes under our Constitution, in which a nation may be recognised: by the Executive receiving a Minister; secondly, by its sending one thither; and, thirdly, this House unquestionably has the right to recognise, in the exercise of the Constitutional power of Congress to regulate foreign commerce. To receive a Minister from a foreign Power is an admission that the party sending him is sovereign and independent. So the sending a Minister, as Ministers are never sent but to sovereign Powers, is a recognition of the independence of the Power to whom the Minister is sent. Now, the honorable gentleman from South Carolina would have preferred the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman would vote for it in that shape, I would really gratify him; all that I want to do is to convey to the President an expression of our willingness, that the Government of Buenos Ayres should be recognised. Whether it shall be done by receiving a Minister or sending one, is quite immaterial. It is urged that there might

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be an impropriety in sending a Minister, not being certain, after what has passed, that he would be received; but, Mr. C., said, that was one of the questions submitted to the discretion of the Executive, which he would determine, upon a view of all the circumstances, and who of course would previously have an understanding that our Minister would be duly respected. If gentlemen desired to know what a Minister from us was to do, Mr. C. said he would have him congratulate the Republic on the establishment of free government and on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare, and of our readiness to concur in any arrangements which might be advantageous to our mutual interest. Have we not, asked Mr. C., a Minister at the Brazils, a nation lying alongside of the provinces of La Plata, and considering the number of slaves in it, by no means so formidable as the latter, and about equidistant from us. In reference to the strength of the two Powers, that of La Plata is much the strongest, and the Government of Brazil, trembling under the apprehension of the effect of the arms of La Plata, has gone farther than any other Power to recognise its independence, having entered into a military convention with the Republic, by which each power guaranties the possession of the other. And we have exchanged Ministers with the Brazils. The one, however, is a Kingdom; the other a Republic; and if any gentleman could assign any better reason why a Minister should be sent to one and not to the other of these Powers, he should be glad to hear it disclosed, for he had not been able himself to discover it.

A gentleman had yesterday told the House that the news from Buenos Ayres was unfavorable. Take it all together, Mr. C. said, he believed it was not. But, he said, he put but little trust in such accounts. In our Revolution, incredulity of reports and newspaper stories, propagated by the enemy, had been so strengthened by experience, that at last nothing was believed which was not attested by the signature of "Charles Thompson." Mr. C. said he was somewhat similarly situated; he could not believe these reports—he wished to see "Charles Thompson" before he gave full credit to them. The vessel which had arrived at Baltimore, and which, by the way, by its valuable cargo of specie, hides, and tallow, gave evidence of a commerce worth pursuing—brought some rumor of a difference between Artigas and the authorities of Buenos Ayres. With respect to the Banda Oriental, which was said to be occupied by Artigas, Mr. C. said it constituted but a very subordinate part of the territory of the United Provinces of La Plata; and it could be no more objection to recognising the nation because that province was not included within its power, than it could have been to our recognition, because several States held out against the adoption of the Constitution. Mr. C. repeated that before he attached any confidence to a letter not signed "Charles Thompson," he must know who the man is who writes it; what are his sources of information, his character for veracity, &c., and of

all those particulars we were deprived of information in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But, said Mr. C. we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe would be the case, that the President had expressed an opinion one way, and we another. At so early a period of our Government, because a particular individual fills the Presidential Chair—an individual whom I highly respect; more perhaps than some of those who would be considered his exclusive friends—is the odious doctrine to be preached here, that the Chief Magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance—are the principles of the Stuarts, to be revived in this free Government? Is an opinion to be suppressed and scouted, because it is in opposition to the opinion of the President? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the Representative character—I shall not hesitate to express my opinions, coincident or not with those of the Executive. But, Mr. C. said that he could show that this cry had been raised on the present occasion without reason. He supposed a case: that the President had sent a Minister to Buenos Ayres, and this House had been called on to make an appropriation for his payment. He asked of gentlemen whether in that case they would not have voted an appropriation? And had not the House a right to deliberate on the propriety of the doing so, as well before as after a Minister was sent? Would gentlemen please to point out the difference? I contend, said Mr. C., that we are the true friends of the Executive; and that the title does not belong to those who have taken it. We wish to extend his influence and give him patronage; to give him means, as he has now the power, to send another Minister abroad. But, apart from this view of the question, as regarded the Executive power, this House, Mr. C. said, had the incontestable right to recognise a foreign nation, in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we passed an act to regulate trade between the United States and Buenos Ayres; the existence of the nation would be thereby recognised—as we could not regulate trade with a nation which does not exist.

The gentleman from Maryland (Mr. SMITH) and the gentleman from Virginia, (Mr. SMYTH,) the great champion of Executive power, and the opponent of legislative authority, had contended that recognition would be cause of war. Mr. C. said these gentlemen were reduced to this dilemma: If it was cause of war, the Executive ought not to have the right to produce a war upon the country without consulting Congress. If it was no cause of war, it is an act which there was no danger in performing. There would be very little difference in principle between vesting the Executive with the power of declaring war, or with the power of necessarily leading the coun-

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try into war, without consulting the authority to whom the power of making war is confided. But Mr. C. denied that it was cause of war; but, if it were, the sense of Congress ought certainly in some way or other to be taken on it, before that step was taken. He knew, he said, that some of the most distinguished statesmen in the country had taken the view of this subject, that the power to recognise the independence of any nation did not belong to the President; that it was a power too momentous and consequential in its character to belong to the Executive. His own opinion, Mr. C. confessed, was different, believing the power to belong to either the President or Congress, and that it might, as most convenient, be exercised by either. If aid was to be given, to afford which would be cause of war, however, Congress alone could give it.

This House, then, Mr. C. said, had the power to act on this subject, even though the President had expressed his opinion; which he had not further than, as appeared by the report of the Secretary of State, to decide that, in January last, it would not be proper to recognise them. But, Mr. C. said, the President stood pledged to recognise the Republic, if, on the return of the Commissioners, whom he has deputed, they should make report favorable to the stability of the Government. Those Commissioners sailed in December last, and might be expected to return in three or four months from this time. When they returned, then, Congress would not be in session. The President thus standing pledged, said Mr. C., I ask if we, who are disposed to invest him with the means of recognising that independence—of redeeming his pledge—are not the true friends of the Executive, and whether the opponents of this motion do not act as though they were not his friends? Suppose the chairman of the Committee of Foreign Relations had reported a provision for an appropriation of the description which I propose, said Mr. C., should we not all have voted for it? And could any gentleman be so pliant, as, on the mere ground of an Executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a Republic is so independent that we may fairly take the step of recognition of it? He hoped that no such such submission to the Executive pleasure would characterize this House.

One more remark, and Mr. C. said he had done. One gentleman had told the House that the population of the Spanish provinces was eighteen millions; that we, with a population of two millions only, had conquered our independence; and that, if the southern provinces willed it, they must be free. This population, Mr. C. said, he had already stated, consisted of distinct nations, having but little, if any intercourse, the largest of which was Mexico; and they were so separated by immense distances that it was impossible there should be any co-operation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are

divided into jealous castes, and a vast proportion of Indians; to which adding the great influence of the clergy, and it would be seen how widely different the circumstances of Spanish America were from those under which the Revolution in this country was brought to a successful termination. He had already shown how deep-rooted was the spirit of liberty in that country. He instanced the little island of Margarita, against which the whole force of Spain had been in vain directed, containing a population of only 16,000 souls; but where every man, woman, and child, was a Grecian soldier in defence of freedom. For many years the spirit of freedom had been struggling in Venezuela, and Spain had been unable to conquer it. Morillo, in an official despatch transmitted to the Minister of Marine of his own country, avows that Angosturo and all Guiana are in possession of the patriots, as well as all the country from which supplies could be drawn. According to the latest accounts, Bolivar and other patriot commanders were concentrating their forces, and were within one day's march of Morillo; and if they did not forsake the Fabian policy, which was the true course for them, the result would be, that even the weakness of the whole of the provinces of Spanish America would establish its independence, and secure the enjoyment of those rights and blessings which rightfully belong to it.

Mr. POINDEXTER, of Mississippi, claimed the indulgence of the Committee for that portion of their time which he felt it incumbent on him to occupy, in presenting to their consideration the views which he had taken of the motion submitted by the honorable member from Kentucky, (Mr. CLAY.) Sir, said he, the liberty of the human species, in every quarter of the globe, is a theme, than which none can be more dear to the heart of the patriot and philanthropist; it was one on which he delighted to dwell, either in the tumultuous agitation of the legislative hall, or in the silent shades of retirement, where the mind envelopes the vast scope of the universe, and contemplates man in the various and diversified situations and circumstances in which he has been placed by his Creator, for the fulfilment of the wise and inscrutable purposes of an overruling Providence. In casting his eye over the great events of the present day, Mr. P. said, the struggle which exists in Spanish America to break the fetters which have so long chained them to the car of an European despot, arrested his attention with irresistible attractions, and exhibited a grand and interesting scene on which he could not look without the strongest solicitude for their ultimate success—a solicitude which might sometimes carry him even beyond the bounds which prudence would prescribe, to accelerate an epoch so auspicious in the history of the New World, and so honorable to the establishment of human rights on a secure and solid foundation. He yielded to none in his attachment to the cause of freedom; and the honorable Speaker, who had with so much eloquence and force portrayed the condition of the Spanish colonies, and the sufferings of

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their oppressed inhabitants, "seeking through blood and slaughter their long lost liberty," could not carry his sympathies in their behalf further than he did. He had listened to that honorable gentleman with unfeigned pleasure, and appreciated the lofty and magnanimous motives by which he was actuated; and it was to him a source of regret, that a sense of the duty which he owed to his constituents, to himself, and to his country, impelled him to give a vote in opposition to the motion on the table. He entreated gentlemen to return from the wanderings into which they had been led by the wide and diffuse debate to which this subject had given rise, and locate themselves on the isolated proposition on which we are required to deliberate and decide. The question is not whether the people, contending against the power of the Spanish monarch for their emancipation from the unnatural and cruel bondage to which they have been subjected for centuries past, are entitled to the independence to which they aspire; nor whether it is our policy, at this time, to render them assistance, by a participation in the conflict; but we are asked simply to make an appropriation of \$18,000, "for one year's salary and an outfit to a Minister 'to the United Provinces of the Rio de la Plata'—the salary to commence, and the outfit to be 'paid, whenever the President shall deem it expedient to send a Minister to said United Provinces.'" Is it expedient, under existing circumstances, to adopt a measure of this character, with a view to the recognition of the independence of these provinces? And if so, does it fall within the range of the Constitutional powers of the House of Representatives? He proposed to examine these points distinct from the multiplied topics which had been, in his opinion, improperly introduced into the discussion, and which shed no light on the question before the Committee.

He would not stop to investigate the commercial advantages which might result to this country from the establishment of independent governments in the Spanish South American colonies; because the right of a new Power to be received into the great family of nations is not dependent on calculations of dollars and cents, nor on its relative intercourse with the rest of the world; but it rests on the basis of historical facts, and the known ability of the people to govern themselves in their own way, uncontrolled by the Sovereign, from whose authority they have been rescued by their valor and patriotism. The existence of such a renovation in the political condition of a community, once satisfactorily manifested, and without further inquiry, he was prepared to accord to them the immunities incident to sovereignty, leaving commerce to seek its level in the regular and natural progress of events; but if temptations of gain, by an interchange of commodities, are considerations which ought, in any manner, to guide us on an occasion like the present, it had been sufficiently shown, in the course of the debate, by an honorable gentleman from Maryland, (Mr. SMITH,) that we had but little to hope from that source, in relation to the

provinces of the Rio de la Plata. Of all the possessions of Spain on the continent of South America, engaged in hostilities with the parent country, we are least interested in forming a connexion with the district to which we are invited, by the proposed amendment, to send an accredited Minister. The distance by which we are separated from that country, and the wide extent of ocean which divides us, of difficult and perilous navigation, constitute insuperable barriers to a speedy and profitable intercourse, founded on the wants of the respective countries. Their pursuits are agricultural, so are ours; many of the articles which we export to foreign markets, they will, in a very short time, likewise export, and become rivals instead of customers in the great staple commodities of the United States. It is true that they remit annually a large amount of the precious metals; these we want, and to obtain them every facility ought to be afforded; but to obtain them something must be given in exchange. What shall we offer them in return for their gold and silver? Not breadstuffs—for they are supplied at home. Shall we send them our cotton, tobacco, sugars? No, sir; their climate and soil are admirably adapted to the cultivation of all these articles. Shall we find a market in that distant region, for our manufactures, which seem to be the sheet-anchor of our safety, if we are to judge from the solicitude manifested to extend to them the national patronage? Alas! they are drooping on our own soil. Protecting duties, amounting, in some instances, to the exclusion of foreign fabrics from our market, are found to be essentially necessary to force the sale of these manufactures on our own people. Can we, then, entertain the most distant hope that they will venture to seek that competition abroad, which they so carefully and sedulously avoid at home? Such a hope cannot for a moment be tolerated. Sir, we have nothing in which a direct trade to South America can be prosecuted with a reasonable prospect of profit. England alone will reap the rich harvest of those valuable markets, by means of her manufactures, which she can furnish of a superior quality and at more reduced prices than any other country. We may, perhaps, become the humble carriers, and in that way find employment for our shipping; but the delusive schemes of commercial monopoly, with which we have been so eloquently amused, will very soon vanish, "like the baseless fabric of a vision;" and with them, all the beneficial consequences which we had so fondly anticipated.

In reference to the great agricultural interest of the country, Mr. P. saw no inducement which ought to precipitate us into a measure of doubtful policy, in aid of the revolutionary colonies. We have extensive and fertile territories, yet to populate, capable of yielding the richest productions of the earth. Let us dispose of these, and, as far as practicable, condense the physical strength of the Republic. The hand of industry is nerved by the ravenous demand, which exists in every part of Europe, for the raw materials

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with which we annually supply them. The laborer is rewarded beyond the example of any former period. Mr. P. asked, if a state of prosperity and tranquillity, like that we now enjoy, ought to be jeopardized in the pursuit of objects, which, so far as they favored the cause of personal liberty, came in collision with the best interests of the United States. Suppose, sir, the fine provinces of Mexico in our immediate neighborhood are opened to the plough, and the inhabitants engage in the active pursuits of agriculture, unrestrained by the arbitrary hand of power, by which their energies have been so long paralyzed, what would be the effect of that happy change in their condition be on the productions of our own country? A competition in the important staples of cotton, sugar, tobacco, and flour, which, by increasing the quantity for exportation to European markets, would necessarily diminish their value, and, in the same proportion, depress that branch of labor which is the only solid basis of national and individual wealth. These results will unavoidably flow from the success of the revolutionary struggle in Spanish America. Mr. P. wished not to be understood as urging these considerations in opposition to the just claim which the oppressed, in all countries, have to dissolve the political bands which bind them to their oppressors. He meant merely to remove the impression which had been attempted to be made, that the people of this country were deeply interested in the issue of the conflict between Spain and her revolting colonies. He could perceive no pecuniary advantages, either commercial or agricultural, which we should derive from the overthrow of the Spanish authorities in Mexico, New Grenada, Chili, or the United Provinces of the Rio de la Plata, or in any other part of her South American possessions. But he did not rest his argument on calculations of profit and loss; he wished the patriots every success in their noble effort to erect for themselves independent governments; he believed they must ultimately triumph over the imbecile monarch who now so ingloriously, and so infamously wields the destinies of Spain. The question then recurs, will the amendment offered by the honorable Speaker, if adopted, give strength to the patriot cause? He humbly conceived not, and expressed his decided opinion, that it would be productive of consequences injurious to those for whose benefit it was introduced. He conceded the doctrine maintained by the honorable mover, that we have an undeniable right, if these districts, or colonies, have actually succeeded in establishing their independence, to acknowledge the fact, and to treat them with that respect due to the rank which they may have acquired. Such an act would not, in itself, be just cause of war to Spain, or any other Power; because, if we, in other respects, maintain a strict neutrality, the mere recognition of an existing fact in relation to the belligerent parties, would neither weaken or invigorate either of them; it would be entirely harmless and innocent. But it is not enough to show, that we possess the abstract

right to take this step, it ought likewise to appear from unequivocal official testimony, that these provinces are *ipso facto* independent, and in the face of the world stand absolved from their allegiance to the Spanish monarch. Is this the condition of the people of the United Provinces of the Rio de la Plata?

What, Mr. Chairman, is the nature and extent of the evidence on which we are to pronounce this fact, and pledge the national responsibility for its existence? Newspaper publications, extracts of letters, bulletins of the Commander-in-Chief of the Revolutionary forces, and the message of Pueyrredon, who styles himself the supreme director of the Republic of La Plata! And, sir, those scraps are ingeniously arranged, and gravely offered, as the foundation of a measure involving the consistency, the honor, and perhaps the peace of the nation. Mr. P. protested against this premature and unauthorized proceeding. The introduction of a new sovereign among the nations of the earth is a measure of no ordinary character; it has ever been adopted with great caution and circumspection; and it would be folly and madness in this Government to volunteer in so hazardous an enterprise, without a full knowledge of every circumstance essential to its vindication, founded on incontestable documents, about which no subsequent controversy can arise. Let us hesitate in a case of so much delicacy, and maturely calculate the consequences before we involve the people of this country in a dilemma from which there is no retreat. Past experience will justify the declaration, that although the mere recognition of a new Power is not, according to the principles of public law, justifiable cause of war, nine times out of ten it leads to war. Sir, if you introduce a stranger into a drawing-room, or other genteel society, you identify him with yourself; you are security for his good behaviour; and if he prove a vagabond, or swindler, your own dignity and reputation sustain no inconsiderable reproach. Shall we enter into recognizance for the supreme director of La Plata, give him the right hand of fellowship, raise him into factitious consequence, and then embark in his quarrels to save ourselves from disgrace? Remember, sir, that France, during the Revolution, after much deliberation, acknowledged our independence, and concluded with us a commercial treaty. England did not wait to inquire into the motives of the French Government, nor to discuss the belligerent character of these transactions; but the signal for war was immediately hoisted, and hostilities commenced between the two nations. Are we prepared for similar results, and, if we are, what adequate inducements have we for the sacrifice, either in our own country, or the people whom we profess to serve? Our feelings are approached, and our sympathies excited, by the high sounding terms, liberty and republicanism. Our free institutions are said to be imitated, and our countrymen revered, in our sister Republic of La Plata. Would to God, Mr. Chairman, that such, in reality, were the principles and habits of these

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unfortunate people! The statesman, devoted to the amelioration of the condition of mankind, and the downfall of tyranny throughout the civilized world, might look with pride and pleasure on their exertions, if a reasonable and well-founded expectation could be indulged, that they would eventuate in the establishment of a Constitution like that which secures to us the free enjoyment of all that is dear to man—his life, liberty, property, and the religion of his choice. What indications have they given of attachment to the fundamental principles of free Government? Are the people represented, or their rights defined, or tribunals established, responsible for an upright and impartial administration of the laws? No, sir! Pueyrredon, the supreme director, is a military chief, who rules his miserable subjects with a rod of iron. He makes the law, defines it, and enforces the execution of his decrees at the point of the bayonet. Property is held by the insecure tenure of his will, and even the sanctity of private correspondence is violated under the severe regulations of this jealous and arbitrary ruler.

In the various transmutations of power which have marked the progress of this revolution, personal ambition, and not the good of the people, seems to have been the great desideratum. At this moment, no one can say, with certainty, who is in possession of the sceptre, nor whether a Minister from this country would be received and respected; for, notwithstanding all that has been said, as to the veneration felt in this sister Republic for citizens of the United States, those who had ventured to hazard the experiment either returned to their own shores with broken fortunes and melancholy disappointment, or remained degraded, neglected, and suspected, and, in some instances, have found an asylum in the confines of a loathsome dungeon. Mr. P. could perceive nothing which ought to induce the Committee to plunge this country into an alliance with a Government so doubtful in its stability, and so little resembling the vivid description which had been, as he conceived, incorrectly given of it by the honorable Speaker; and he contended further, that, if all which had been advanced, to show the commercial and political interest which we have in the independence of Spanish America should be admitted, yet it would be worse than useless, at this time, to send a Minister to the Rio de la Plata. The effects of the measure might be productive of serious embarrassment to those provinces. We do not intend to offer them assistance in men, money, or ships of war. We cannot add to their strength or afford them greater facilities in procuring arms and munitions of war, than they at present possess; they have already free access to our ports, and while here, they receive the protection which is extended to the flag of every other friendly Power. We maintain towards them the relations of impartial neutrality, and place them, in all respects, on an equal footing with the monarch against whom they are contending. The formal exchange of diplomatic agents could not produce

one solitary benefit, or enlarge, in the smallest degree, the privileges enjoyed under the existing laws and regulations respecting all the colonies or districts of people in South America. But, said Mr. P., the most deleterious consequences may flow from an attempt to incorporate this new partner into the Confederacy of nations. Hitherto the combined Powers of Europe have looked, with folded arms, on the war raging between Spain and her colonies; they have, with the single exception of England, very little interest in the event of the contest; and England is prepared to take either side which shall open to her the best prospect of commercial emolument. Will the same indifference be felt when the united provinces of the Rio de la Plata claim the rank of a free, sovereign, and independent State, and exhibit the parchment of the United States in support of their pretensions? He thought it, at least, extremely probable that a stride so sudden and unexpected might excite the jealous apprehensions and arouse the sleeping energies of that band of legitimates, who, having subjugated the Old World, have time and leisure to regulate the affairs of the other hemisphere. Is it compatible with sound and prudent policy to agitate a question which may bring on our own country the calamities of another war, and unite the crowned heads of Europe, now tranquil and passive, in crushing the revolutions which otherwise might terminate in the emancipation of Spanish America? Sir, the measure is fraught with incalculable mischief, and cannot be justified either on the ground of principle or facts, so far as they have come to our knowledge through any regular official channel.

The form of Government, Mr. P. said, in this new-fangled *Republic*, is not such as to raise a single emotion of sympathy; its durability is altogether a matter of conjecture, and no valuable object can be attained by its recognition. Why, then, Mr. P. asked, should we precipitately take an attitude which subsequent information might oblige us to relinquish, and thereby subject this Government to reproachful imputations, derogatory to the high character which it has ever maintained for justice, magnanimity, and unshaken firmness? Mr. P. proceeded. He felt the greatest anxiety for the independence of every portion of the continent of North America, without regard to the particular institutions which they might adopt for their own government. He wished to confine the Powers of Europe to the boundaries which nature had prescribed, and to establish an American confederacy of sovereignties, uncontrolled by the doctrines of European policy. Such a change in the state of the world would be highly favorable to human happiness; it would promote the progress of science and the diffusion of liberal principles over countries enveloped in ignorance, bigotry, and superstition. But, Mr. P. differed in opinion with those honorable gentlemen who seemed to imagine that the provinces of Spanish America would follow our example in the freedom of their institutions, should they succeed in the establishment of their

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independence. Such a reformation can only be effected by gradual encroachments on their ancient customs and usages, with which they have become familiar, and from which they will not suddenly depart. Mr P. called the attention of gentlemen to the experiments already made, and especially that in Mexico, whose proximity to the United States rendered it more probable that our form of government would be understood and appreciated. They had a constitution, matured under the auspices of several enlightened citizens of the United States; but it was found to be impracticable to put any system in operation, without a departure from the fundamental principles of a free constitution. Religious toleration was scouted, as altogether inadmissible, and irreconcilable with the habits of the people. The Catholic religion was established; the trial by jury unprovided for, and the written instrument which they had promulgated to the world contained scarcely a single republican feature. They, too, had their Congress, published their manifesto, and invited all the nations of the world to embrace their cause and assist in expelling the royal forces. Where then was the redeeming spirit of the West, that it did not invoke the National Councils to acknowledge the Mexican Republic, and send a Minister with a suitable outfit and salary to represent us at that Court? They had stronger claims on us, and were better entitled to our co-operation than are the United Provinces of the Rio de la Plata. And, sir, we have seen the fatal error into which we should have fallen had the course now recommended by the honorable Speaker been adopted in relation to Mexico. Internal feuds arose; the Congress was dissolved; everything like order was prostrated; the patriot forces dispersed, and our Minister, on his arrival, would have been puzzled to find a *Supreme Director* to whom he might deliver his credentials, make his debut, and claim an audience of leave. Since that period the command of the revolutionary army has been transferred from one General to another; some have become traitors, and others have fallen in battle, or been massacred by the inexorable Spaniard; and, if our information be correct, the spirit of resistance to the authority of Spain in that quarter is almost entirely extinct. We are, however, told to-day, that Mina still lives, and continues to prosecute the war with increased vigor. Sir, there is too much reason to doubt the correctness of this intelligence; but, if it be true, every heart must beat with anxious wishes for his success in a cause so just as that in which he is engaged. The people of Mexico want no foreign aid, if they are united in their opposition to the feeble monarch by whose minions they are oppressed. Six millions of inhabitants need only will it, and they must be free; but, divided in sentiment as they are, without a union of action and of object, should we send an army into their country, in aid of the patriots, it would be necessary first to conquer the natives into a knowledge and love of freedom, and then the royal mercenaries would fall an easy sacrifice. Much as he desired

to hasten the period of their emancipation, Mr. P. said he was not disposed to disturb the enviable and prosperous condition of his own country by engaging in these quixotic expeditions; his primary duty on this floor was to guard with vigilance the rights and interests of his constituents and the nation at large, avoiding all unnecessary collisions with foreign Powers. He was willing to treat the revolting colonies of Spain in precisely the same manner that France treated us in the war of the Revolution, and as we treated France in the commencement of her Revolution.

Mr. P. took a rapid view of the events of the war which terminated in our separation from Great Britain, and undertook to show, from the history of that interesting epoch, that our conduct in relation to the united provinces of the Rio de la Plata, had surpassed in liberality the example of the French Government towards us, under similar circumstances. "Very early in the contest, the attention of America had been directed to foreign Powers, and particularly to France. The absolute want of arms and ammunition, and the impossibility of obtaining an adequate supply of those articles by ordinary means, had induced the appointment, in 1775, of agents to procure military stores abroad, whose communications were with a secret committee, empowered to correspond with their friends in Great Britain, Ireland, and other parts of the world. Soon afterwards, Mr. Silas Deane was deputed to France, as a political and commercial agent. He arrived in Paris in the Spring of 1776, with instructions to sound the dispositions of the Cabinet, on the existing controversy between Great Britain and her colonies, and to endeavor to obtain supplies of military stores." Our agent was, it is true, received, and permitted to load three vessels with military stores, but, before they sailed, the order for this accommodation was suspended, and the supplies were obtained by secret means, without the open sanction of that Government. The French Cabinet proceeded with great caution in every step which they took to favor the cause of America; always keeping in view their own interest, and making that alone the standard of their policy. The idea of sending a Minister to this country, never entered into the imagination of any one, either in France or America. The Revolutionary Congress took the lead in every measure, calculated to conciliate the support of foreign Powers. They demanded nothing, nor did they expect anything, on the score of etiquette. Acting on these principles, as soon as they had come to a resolution in favor of the declaration of independence, a committee was appointed to prepare the plan of a treaty to be proposed to foreign Powers, which after mature deliberation, was agreed to, and Ministers were appointed to negotiate the treaties proposed. Doctor Franklin, Mr. Deane, and Mr. Jefferson, were chosen to accomplish this important object. The result is known to all. The Commercial Treaty with France was followed up by one of alliance, offensive and defensive, and she from that moment became identified with us, in the great struggle

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which secured the liberties of our country. Have we not manifested corresponding dispositions towards the colonies of Spain, with a frankness and candor which seeks no concealment behind the curtain of diplomatic intrigue? We openly avow our partiality for their cause, and offer up our prayers for their success. They have sent us commercial and political agents, who have been received and treated with every mark of respect; their communications are considered with attention, and everything which they ask, not inconsistent with the national interest and honor, is accorded to them. If they want arms and ammunition, or military stores, of whatsoever description, our ports are thrown open for them, and our citizens are ready and anxious to supply them with all that the country affords; their flag is respected, their property and their people protected, while within the jurisdictional limits of the United States. The Supreme Director of La Plata has, at this time, here, a commercial and political agent, whose correspondence with Mr. Adams, the Secretary of State, has been submitted to Congress by the President. He does not claim to be recognised as the Minister of his Government, authorized to enter into any treaty of compact whatever. And shall we compromise the dignity of this nation, by sending an accredited Minister with full powers, to a country not yet known on the map of nations, even before we are called on to receive one of a similar character, from the new Government, said to be erected in that country, under the control of a military chief, whose power may be swept away by the issue of a single battle? Sir, said Mr. P., such a precedent is not on record; it is in defiance of all experience, in the changes to which political societies are liable, and their transitions from one form of government to another. The proud Republic of France, with her conquering armies, sweeping everything before them with the besom of destruction, despatched a Minister to the United States, before she expected an acknowledgment from us of her independence. Mr. Genet, in addition to his other diplomatic functions, was charged with a stand of colors, to be presented to President WASHINGTON, as a testimonial of the high estimation in which both himself and his country were held by Republican France. These flattering overtures were met in a manner, and with a promptitude, called for by an occasion so grateful to the noble feelings of the Father of his Country. A Cabinet Council was convened, and, after solemn deliberation, the French Republic was recognised, and the distinguished citizen who now enjoys the first honors of the nation was designated to represent our interest at that Court. But what, at that interesting crisis, would have been thought of a proposition in the House of Representatives appropriating a salary and outfit for a Minister to France, anterior to an intimation of a wish, on her part, to reciprocate with us the relations of amity? He could not believe, that it would have found an advocate in the most enthusiastic admirer of the French Revolution. The subject was then left, where it properly belonged, to the sound

discretion of the Executive department, charged by the Constitution with the discharge of those particular duties. And yet, sir, we are referred to the examples of these revolutions to justify a direct violation of every precedent which they furnish, by resolving to send a Minister to the united provinces of Rio de la Plata, in return for her commercial and political agent, at a time when all the horrors of a bloody civil war still rage, even among these very provinces; where force and fear are the only guarantees of power, and the events of a single day may unhinge all that has been gained by a ten years' war. And we have yet to learn the practical good which is expected to flow from this innovation on the established usages of nations. The friends of the proposed amendment claim for it the amiable attributes of innocence and charity; and, thus decorated, they offer it as a sacrifice, on the altar of feeling, to the sacred cause of liberty. The honorable Speaker seems to imagine, that it will produce a powerful moral effect, and nerve the arm of the patriotic soldier with fresh vigor and energy. Sir, it is a melancholy fact, that the people of these provinces are, in general, ignorant of all the transactions of the civilized world; they are incapable of estimating the value of anything which does not afford them immediate relief; and it is extremely probable, that not one-tenth of them will either know that we have a Minister in their country, or feel the smallest interest whether we have or not. The moral influence of the measure will be lost on them. Pueyrredon, the Supreme Director, if he be a man of talents, and we have reason to think him so, will derive but little consolation from the parchment, on which will be written the credentials of our Minister, or the empty resolutions of Congress, assigning to him rank and consequence, without the means of maintaining it. He is well aware, that we add not a man to his armies; not a ship to his navy; nor put a cent into the vaults of his treasury. He is not ignorant of the solicitude which is felt by every class of citizens in this country for the triumph of Republican principles throughout the world, and we can impart to him no other moral motive which would be worthy of his acceptance.

Mr. P. next proceeded to consider this question in reference to the distribution of powers confided by the Constitution to the several Departments of the Government. By the 2d section of the 2d article of the Constitution, the President is vested with power to "nominate, and, by and with the advice and consent of the Senate, to appoint Ambassadors, other public Ministers, and Consuls, Judges of the Supreme Court, and all other officers not herein provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments." The amendment consists of two parts: First, an appropriation of eleven thousand dollars; and second, it proposes to vest the President alone with authority to send a Minister to the Rio de La Plata,

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whenever he shall deem it expedient to do so. If the object be to place the amount of money proposed to be appropriated at the disposal of the Executive, it could be attained by simply making that addition to the contingent fund; it would, in that case, be expended or not, according to the exigencies which might arise in the recess of Congress. But if, taken in connexion with the subsequent part of the amendment, it is intended to clothe the President alone with power to appoint a foreign Minister, then it is manifestly unconstitutional, and ought not to be adopted. The power to appoint Ambassadors and other public Ministers, can be exercised only "by and with the advice and consent of the Senate," and it would conflict with the express letter of the Constitution to vest it, by law, in the President alone. These high and responsible public functionaries cannot be classed among the grade of inferior officers, whose appointment may be given to the "President alone, or to the Heads of Departments." Such an exposition of the Constitution is inadmissible, if we regard either the letter or spirit of that instrument; and if we sanction the principle of the amendment, the power to appoint this new Minister might, with equal propriety, be vested in the Secretary of State, or any other Head of Department. He contended, that the President wanted no act of legislation to enlarge his powers, whenever he deemed it expedient to send Ambassadors to foreign countries. No such appointment can be made without the concurrence of the Senate, and if they approve it, the salary and outfit are already provided for, by a general law, and need not the aid of a special appropriation. Sir, the proposition is, in itself, nugatory, unless we consider it directory to the President, on a point of duty devolved on him by the Constitution; it casts an indirect censure on the Executive for neglecting to fulfil the obligations which we feel to acknowledge the independence of this new Power in South America. Foreign nations, and, perhaps, our own citizens, will imbibe that impression, and the Chief Magistrate will be considered as having incurred the frowns of the Representatives of the people, whose interposition has become necessary to urge that high officer to a faithful discharge of the trust proposed in him by his countrymen. Mr. P. was far from attributing such sentiments to the advocates of this amendment, but the inference was, to his mind, irresistible. He saw no foundation on which to rest the slightest imputation on the President, whose cautious and prudent policy merited the approbation of an enlightened people. Our neutral relations between the belligerent parties had been maintained with impartiality. No privilege, enjoyed by Spain was withheld from her colonies, which could, in any manner, favor the hostile operations of either. A special mission has been instituted, composed of three distinguished citizens, to visit these colonies, ascertain their political condition, the nature and probable stability of their Governments, and their report will form the basis of our subsequent measures

respecting them. The wisdom of these precautionary steps will be tested by time and experience; and, without the spirit of prophecy, he ventured to predict, that they would contribute, in a high degree, to enlighten our future deliberations, and relieve us from the embarrassments into which we may be thrown by the premature attempt which is now made, to dictate a course to the Executive, in the absence of authentic information on the subject to which it relates. On questions touching our intercourse with foreign nations, it is of the utmost importance, that all branches of the Government should move in concert, each within the limits prescribed to it by the Constitution. But, the honorable Speaker has contended, that, in deputing Ministers to foreign countries, we possess a co-ordinate will and power with the Executive, in providing for the payment of their salaries, and he has referred, in support of his argument, to laws fixing the salaries of Consuls, and other public agents. That the Legislature alone possesses the right to apportion the salaries of all officers acting under the authority of the United States, will not be contested; but, the appointment of these officers, with a few exceptions, is confided to the President and Senate. Our portion of the duty has been long since performed; we have regulated the salaries and outfits of foreign Ministers, and the Executive is to decide, when and where it may be necessary to send them. Mr. Chairman, it will be recollected, that, at the opening of the present session of Congress, the President, in order to prevent all misapprehension, as to his opinions on the subject of internal improvements, communicated them freely in his Message. He believed, that the power to construct roads and canals, within the respective States, was not possessed by Congress, and, therefore, felt bound to withhold his signature from any bill which might be passed, establishing a general system of internal improvement. The honorable Speaker condemned this premature expression of the Executive opinion, as an unwarrantable encroachment on the freedom of legislation, and the privileges of the House of Representatives, to whom the right of originating all laws was given by the Constitution. The President, although an integral branch of the Legislature, it was urged, ought to have reserved his objections until he was called on to act in the regular Constitutional order of proceeding. Yes, sir, said Mr. P., we originate laws, and the President may reject them, or not, at pleasure. And does it not equally belong to the President to originate foreign missions, and, "by and with the advice and consent of the Senate, to appoint Ambassadors, and other public Ministers?" The power is granted in express terms, and we have no other check on its exercise, but by refusing to make the necessary appropriations. And yet the honorable Speaker claims for the House of Representatives the co-ordinate right to institute a mission to the Rio de La Plata, and considers it no encroachment on the powers delegated by the Constitution to the President and Senate! It remains for that hon-

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orable gentleman to distinguish the two cases, and to reconcile the seeming inconsistency into which he has fallen.

Mr. P. would detain the Committee but a few moments longer. We are told of the wrongs which Spain has committed on our national flag; of her spoliation on our commerce; of her violations of the personal liberty of our citizens; her protracted negotiations, and ultimate refusal to do us justice for any of the long catalogue of injuries of which we complain. He most heartily concurred in the sentiment, that we ought to seek redress for these wrongs and injuries. He would instantly demand of the faithless and treacherous Ferdinand "indemnity for the past, and security for the future;" and if these just demands were refused, he would proceed to make reprisals on her territories within our reach, as an indemnification for her spoliation on the high seas, and her violations of treaty. And, sir, if war should be the consequence, her colonies are open to us, and, in that event, they will become legitimate objects of conquest. Let war be proclaimed, and, he doubted not, that, in six weeks, without the aid of bounties in land, or money, an army of thirty thousand hardy sons of the West would be ready to march into Mexico, and drive into the ocean every royal minion who now revels on the spoils of an oppressed and degraded people. But if we are to have war, said he, it should be made on the basis of our own wrongs. Our territorial dispute, and other points of difference with Spain, ought not to be translated to the Rio de La Plata, New Grenada, Chili, or elsewhere, on the continent of South America; but let us vindicate, with manly firmness, our own rights, regardless of the consequences. He was not alarmed with the apprehension that, in such a war, the combined sovereigns of Europe would engage on the side of Spain. England will make no war in which her own immediate interest is not materially concerned; and Spain can offer her no equivalent for the loss of her lucrative commerce with this country. Nor is it at all probable that the Emperor of Russia would abandon his great scheme in Europe, and send his Cossacks to the southern coast of America, where the climate itself would be more fatal than the swords of the most furious enemy. And, as to the other petty Powers, who follow in the train of the legitimates, they find sufficient employment in preserving their authority at home. Their protests and menaces will vanish into smoke whenever the period of action arrives. Sir, at the time we took possession of that part of Louisiana which lies above the island of New Orleans, and west of the Perdido, the Minister of Great Britain entered his formal and solemn protest against the procedure. We were then threatened with British interposition in behalf of His Majesty's ally, the adored and immaculate Ferdinand. But the matter ended precisely where it began. We have remained in the occupation of the country which, of right, belongs to us, and it was neither made cause of war, nor insisted on at the Treaty of Ghent. His Majesty's other

allies, the savages of the Northwest, were remembered, but the affair of Florida was forgotten—was consigned to oblivion, and wholly abandoned in the negotiations. And such will always be the end of empty protests, in which the party making them has no direct interest. Let us, then, march forward, with a firm step, and plant the American standard on the Perdido and the Rio del Norte, the ancient limits of Louisiana; and there will be found in this nation both the will and the ability to sustain our indisputable right to these boundaries, against every combination which may be formed to curtail them. But he would not withdraw the attention of the world from the substantial grounds of controversy between this country and Spain, by an ill-timed and useless interference in the affairs of her South American colonies.

He felt it a painful duty, before he sat down, to notice a remark which fell from the honorable Speaker, when he last addressed the Chair. The honorable gentleman, if he correctly understood him, had said, that Mr. Aguirre, the commercial and political agent from the Government of La Plata, was obliged to sneak into the office of the Secretary of State, or obtain secret interviews with the President, to avoid the eye of Don Onís! Mr. P. had heard the observation with regret. He was not the eulogist of any man, whatever might be the official rank which he occupied; but it was due to justice to say that the present Chief Magistrate of the nation had ever been distinguished for frankness, integrity, and unbending firmness. At the dawn of manhood he had entered the tented field, and fought the battles of his country, with the heroes and patriots who achieved the independence which we now enjoy. View him at subsequent periods in the legislative councils of his native State and of the Union—follow him into foreign countries, as the representative of his Government, at the most enlightened Courts of Europe, and we find him, on all occasions, the faithful public servant, and the inflexible patriot and republican. Return with him again to his own country, placed in a high and responsible station in the administration of its affairs, at a crisis which called forth all our energies, we find him relinquishing the first office in the Cabinet, at a time when gloomy despair covered the inhabitants of this desolated city, and, by assuming the arduous and perilous duties of the Department of War, he contributed in no small degree to the glorious issue of our recent conflict with Great Britain. And, Mr. Chairman, the future historian, who records the events of his life, and who shall "nothing extenuate nor set down aught in malice," will pronounce him to be an able, upright, and intelligent statesman, whose sole object in every situation has been the good of his country.

Mr. FORSYTH, of Georgia, said he should be unworthy of the confidence now reposed in him, and of that he desired to obtain, if he permitted some remarks which had been made to pass without reply. The gentleman from Virginia (Mr. TUCKER) said, that my strictures on the

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character of the Spanish American contest, might have been spared; while the Speaker alleges that I am the only person who has been unjust to the patriot cause. Is it come to this, that, on the discussion of measures in this Hall, the truth is to be spared? That our sentiments are to be weighed, and phrases to be minced, lest they should fall too harshly on the ear of morbid delicacy? Injustice! Is it unjust to vindicate the character of my own countrymen, degraded by a comparison with persons unworthy of a place by their sides? It is the Speaker who has been unjust—not, indeed, to the aliens of our blood, but to our fathers. He courted the investigation which has been made; and how has it been conducted? In examining the origin and nature of the contest, I have drawn my information from the sources to which he directed our attention. Have I erred in the statement of any fact, or even colored, beyond its natural hue, any event which has been related? Had an instance of either kind been pointed out, the proper atonement should be made by a frank and prompt acknowledgment of the error. Is it injustice to say, that individual liberty is not the object of the Spanish American contest? What are the blessings secured to the people by the struggle? How have the ancient laws been changed to better the condition of the people? On these important points we have not been instructed. We have heard of the fertile regions, and formidable armies, and rich commerce, of Spanish America; but what is the condition of the people? Are they the masters or the slaves of the Revolution? They are contending for political independence, and have my most ardent wishes for their success. The consequence of complete success may be the enjoyment of civil liberty—may be—I am not certain that it will. The condition of the people cannot, indeed, be altered for the worse. Under any form of government that may be established, they cannot be more oppressed than under the dominion of Spain. If to doubt the most favorable issue of this struggle be a crime, I am, indeed, criminal. If, to fear that freedom, civil and religious, will not follow, be censurable, I deserve reproach. More than once, in the last twenty years, our sympathy has been demanded for the people of different nations of the South, embarked on the tempestuous sea of liberty. What nation has reached the place to which its course was directed; the desired haven of repose, security, and enjoyment? While the hearts of the timid were palsied by fear, and even the brave appalled by the terrors around them, some armed chieftain, or bigoted priest, has poured out the holy oil of despotism, and bid the agitated waves be still. Who, sir, will venture boldly to predict, that the same scene is not to be acted on the Southern continent?

The time has been, when my young heart swelled with emotion at the sound of liberty. But these days of youthful delusion have passed, I hope, forever. I trust that I have now learned to distinguish between things and names. With enthusiasm undiminished, and a desire the most

ardent for the freedom of all mankind, I am no longer to be duped by glorious titles and endearing sounds. In the course of a life, not yet extended to forty years, I have had much experience on this subject. The generous sympathies of the people of the United States have been often demanded, and sometimes felt, for those who were unworthy of it. In the days of Revolutionary France, age, innocence, genius, and virtue, were indiscriminately proscribed; heads fell by thousands, as sacrifices at the shrine of liberty. Consuls were chosen to rule in the name of liberty. The First Consul was converted into an Emperor; he exercised imperial powers in the name of liberty. The King of Spain was deposed by France, and reinstated by allied Europe, in the name of liberty. Napoleon swept, with his formidable legions, half the continent of Europe, marking his course with fire and blood; this, too, was in the name of liberty. Combined Europe precipitated itself, like a terrible avalanche, on the plains of France, burying, under its weight, the power and the glory of France; the power, not the glory, of France—that is imperishable—in the name of liberty. This experience has not been without its effect. I do not permit my feelings to be excited, much less my conduct to be influenced by the sound, without satisfying myself that liberty is something more than a name among those for whom I am called upon to feel or to act.

The facts, illustrating the character of the Government of La Plata, and the love of its rulers for our fellow-citizens and our institutions, are called tales; and the gentleman from Kentucky wishes to hear both sides before he forms a definite opinion; he asks for official information from La Plata! What infatuation! Sir, these tales are the statements of American citizens—of our brethren. Does he ask for confirmation or contradiction from American Spaniards? Will he venture to doubt their accuracy on the faith of any interested foreigner, or foreign Government?

But the Speaker has said that even a gray-headed Revolutionary patriot, whose cheeks were furrowed by age, could not address a prayer to the throne of God, in behalf of the patriot cause, without my animadversion. Have I forgot the respect due to venerable age, disregarded the gratitude earned by Revolutionary service, and violated the reverence due to the minister of the Religion of Peace? I should abhor myself were I capable of such an offence. The prayers of all good men rise to Heaven for the success of the Spanish Americans, because, in that success, the only chance is afforded of securing to the individuals concerned the dearest rights of human nature. The circumstance referred to was mentioned without praise or censure—a fact witnessed by all, and strongly illustrating the truth of a position I was endeavoring to enforce, that there was a striking and peculiar contrast between the interest excited by this proposition and the proposition itself.

But, sir, I was mistaken in supposing this question unimportant, insignificant, and unmeaning.

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It has now become a question to which important consequences are attached. The honorable Speaker has told us what these consequences will be; this little proposition is to be the new dividing line of parties in the United States. Those who vote for it are to be the self-styled, and, I suppose, exclusive friends of liberty. If I may follow the example of the gentleman from Kentucky, (Mr. JOHNSON,) and borrow a metaphor from Holy Writ, this is to be the Red Sea to divide the people of Israel from the Egyptian host, through which, the one, under their inspired leader, are to march in safety and triumph to the promised land of popularity and power; while the other, with their present enjoyments and future hopes, are to be buried deep beneath its wave.

But, said Mr. F., in conclusion, let gentlemen who have been warmly excited on this question recollect that, though so much consequence has been attached to it, the difference between those contending so earnestly on this floor is a difference as to time and manner. The only difference is as to the prudence and expediency of acting on the subject at the present time and in this way. There is not a gentleman who has addressed the Committee on the subject, who does not desire to recognise the independence of the Southern countries whenever it can be done consistently with a just regard to our own interests—to our own safety, which is our first duty. The only difference between us is that we do not wish to precede the proper official organ of the nation in order to recognise the independence of these countries, and those in favor of the motion wish to do so. There is no member of the Committee who does not know and feel that the wishes and feelings of the Executive Magistrate point in the same direction with that of the Representatives of the people. Sir, where the difference between us is so small, however anxious we may feel for the success of our particular views, I hope that anxiety will cease when the question is decided. Whether the motion be adopted or rejected, let us recollect nothing but the ability and the eagerness which has been displayed in the contest, and feel nothing either of the bitterness of defeat or the joy of triumph.

Mr. SMITH, of Maryland.—I feel myself compelled again to trouble the Committee by the Speaker's more than common attention to the observations I had the honor to submit to the consideration of the members. The Speaker has acted the part of an able swordsman; he has declined to meet the profound and able arguments of my friend from South Carolina, and has directed them against my feeble efforts made on the same side of the question. The one he found unanswerable, the other he has endeavored to defeat. The Committee will judge how far he has been successful.

The Speaker has done me the honor to admit that on commercial subjects I have some claim to the attention of the House, but has with a politeness peculiar to himself advised—nay, sir, almost forbid—me to speak on his particular province, to wit: the laws of nations. Why, sir, the

Speaker forgets that I have been twenty-five years in Congress, in which time the law of nations has been frequently introduced and discussed; from which discussions, if I had never read *Vattel*, *Martens*, and *Azumi*, I might have obtained some knowledge. Nay, sir, the Speaker does not do himself justice, when he supposes that his instruction to Congress on the laws of nature and of nations has been totally lost on one of his hearers. Sir, I have read enough of those authors to know that an ingenious advocate, such as the Speaker, can easily find a sentence, selected from a whole, that may be converted to prove either his position or mine. But, Mr. Chairman, I quoted not the laws of nations; I confined myself to the laws of common sense, (which I recommend to the Speaker for perusal;) I quoted experience in our own glorious Revolution, to show that a recognition of the independence of revolted colonies was considered as a just cause of war. I gave stubborn facts in support of my argument; and how has the Speaker answered me? That it was not the recognition by France that induced Great Britain to declare war, but that France had entered into a Treaty of Alliance, offensive and defensive, with her revolted colonies. Here, then, the Speaker completely gives up the main point of his argument, to wit: that aid is just cause of war, but that recognition is not. Aid had been given by France for two years—yes, sir, great and important aid—and Great Britain did not declare war on that account; but the moment France treated with us as an independent people, the Speaker says, Great Britain declared war against her. But, I deny that Great Britain then knew that the treaty was offensive and defensive. What was the language in Parliament at that time? It was not that France had afforded aid, but that France "having treated with the revolted colonies as an independent people," the national honor imperiously compelled the nation to go to war, and punish the insult. But, what does the Speaker mean, by advising the President to send a Minister to La Plata? Is it simply to compliment the Supreme Director on his appointment; or would he not expect, as a thing of course, that he would go clothed with Plenipotentiary powers, and that he would be expected to make a treaty? According to the Speaker's notion, the sending a Minister to La Plata, and then recognising its independence, would not be just cause of war; but the moment we entered on a treaty, then we should have crossed the Rubicon, and Spain might show us her *law book*, and prove to us that she had just cause of war. I am of opinion, Mr. Chairman, that nations are governed very much by expediency as to what is just cause of war. If it had been expedient for Spain to declare war against the United States, she would long since have been able to have found in *Vattel* and *Grotius* something to substantiate that she had just cause of war. But, it was not expedient to Spain, and we are at peace, and I do wish we may continue so.

The Speaker has quoted, as a precedent for his unprecedented motion, that we fixed the salary

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and appropriated money to pay Consuls to the Barbary Powers. Consuls to the Powers of Europe, sir, are not allowed salaries; they are allowed fees, which, with the advantage to them as merchants, have been considered adequate compensation. Not so to Consuls in Barbary. We have no commerce with Algiers, Tunis, or Tripoli; and salaries fixed by law were necessary to enable the President to procure proper persons to go there and maintain the peace we had made with these Powers. The Speaker has also quoted the appropriation for Indian treaties, as a justification for his introducing his extraordinary motion. The Indians, sir, are within our own territory, and treaties with them are generally held for the purchase of their land. Such precedents will certainly have little weight: they are sometimes used for want of argument.

The Speaker has at last admitted that the table land of Mexico produces the best of wheat; but assures us, for our comfort, that the roads are so bad and the distance so great that flour cannot be brought to La Vera Cruz, without such an expense as will prevent the Mexicans from ever being able to enter into competition with us. And these, sir, are to be our protection—distance and bad roads! And yet the Speaker knows that a noble road has been commenced, and no doubt will be completed, if Mexico shall ever become independent, to La Vera Cruz; and that the distance is not greater than that of many Pennsylvania farmers, who have brought their flour to Baltimore; nor are their roads, as they now are, worse than the road has been from Bedford to Baltimore or Philadelphia. Flour for the supply of Havana has, within my recollection, been brought in sacks from Mexico to La Vera Cruz, and there shipped. In 1804, flour, valued at four hundred and seventeen thousand seven hundred and nine dollars, was shipped from La Vera Cruz to the Spanish colonies. If the Mexicans were under a good Government, their export of flour would, in all probability, soon equal ours. But, sir, what is the reason that the Speaker takes so much pains to show us that the Spanish colonies, if independent, cannot supply the world with articles similar to those produced in the United States, on equal terms? Why attempt to prove that the people of La Plata cannot become a navigating or commercial people? Is it not fair to believe, from his reasoning, that if the colonies can enter into a competition, and injure us in foreign markets, by selling cotton, flour, tobacco, &c., at a lower price than our farmers can, that the Speaker himself would be of opinion that we ought not to be very earnest in promoting their independence, as I do, on the great principle of the freedom of mankind? Why attempt to show, that we have no cause to apprehend their competition with us in the articles our country produces?

I think, the Speaker has given me cause to complain. He has said, that I had attempted to show that New Grenada and Venezuela could enter into competition with us in the article of breadstuffs. The Committee will remember, that

I had passed over those colonies, giving as a reason, that I saw the Committee were impatient. I had another reason, to wit: I had touched on the trade of those colonies on the neutrality bill, and I have an aversion to tell the same story twice. However, I will help the Speaker out. Those two provinces would be important to the United States if independent; they would take our breadstuffs, to a certain extent, and would supply us with indigo, cocoa, and coffee; and, being near us, we might, and probably would participate in carrying for them; and, as Mexico has no good port on the Atlantic, and produces much sugar, we should send our vessels there in ballast, purchase with bills of exchange, or carry, on freight, for the native merchants. England and France would, however, enjoy all the great advantages of their independence; for those two nations manufacture or produce all the articles necessary for their consumption. Our merchants might supply them with nankeens, and, in part, with India cottons. On the whole, I should consider the independence of the Spanish Main of considerable importance, particularly to our navigation. Mexico must depend on others for ships; she has no good port near us, and, therefore, cannot well become a navigating people.

La Plata, the Speaker says is quite too remote to supply the West Indies, for that it required sixty-four days for a vessel, just arrived at Baltimore, to make her passage. The Speaker is certainly out of his reckoning; vessels actually pass by the West Indies. And he has forgot, that vessels from La Plata will have the trade winds a great part of their passage to the West Indies, and may fairly calculate on making the islands in thirty-six days, or forty days at the most. They may supply Brazil, Cayenne, and Surinam, in a shorter time than we can, and certainly can supply Spain, Portugal, and the Mediterranean, as easy and on as low a freight as we can from the United States; their voyages to the East Indies will be much shorter—they will be performed in sixty or seventy days; and, being near the precious metals, they will be able to carry on the trade beyond the Cape of Good Hope on better terms than we can. But, Chili, he says, is wholly too remote to interfere with us. The Speaker sneers at the idea of Chili supplying breadstuffs; yet, it is well known, that, during the last year, some American vessels actually brought cargoes of wheat from Chili, around Cape Horn, to Brazils, and tended thereby to reduce the price of American flour in those markets. But, Mr. Chairman, I am as desirous as the Speaker is to see those provinces free and independent. The great and immediate advantages will, it is certain, be to England, France, and the Hanse Towns; yet we shall derive some advantage from the general benefit resulting to the trade of the world by their freedom and independence.

The Speaker thinks there is no great use for a Minister at the Court of Brazil, for that the trade of that kingdom is of little consequence to the United States, not so much, he thinks, as La Plata. I differ entirely with the Speaker on that

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point. The Brazils supply us with sugar and other articles, and we pay in flour and other commodities; but the King of Brazil is also King of Portugal, which nation has always been one of our very best customers, for wheat, flour, rice, and particularly for Indian corn; we also supply Portugal with fish, rice, staves, and naval stores, and get in return specie, salt, wine, lemons, &c. The principal part of the salt used by the people of the United States for our fish, beef, and pork, is drawn from Portugal.

The Speaker has told us, that the importance of the commerce of a nation depends on its extent of population and territory. This, sir, is novel to me; all history differs from the Speaker. Tyre is a small island, and had some little territory, yet her people, owing to its government, were, in their time, the great, the most celebrated traders of the world. Carthage possessed little territory, or population, yet she carried on an immense traffic. Venice, Genoa, and Pisa, were all very small States, with no great population, yet were they all greatly commercial. Portugal, a small kingdom, with perhaps two millions of people, discovered the Indus and China, and surprised the world by her immense commerce. Portugal fell into the power of Spain, and the commerce of India was, in consequence, wrested from her by Holland, who had little of territory, and an inconsiderable population. China and Russia are the greatest Powers on earth as to population and extent of territory, yet neither has ever been considered great in commerce.

The Speaker has adverted to a letter from Buenos Ayres, which appeared in a Baltimore paper, received yesterday, and has asked, who is the writer? What his character? And what his politics? And has answered, that it is probably some Spaniard, hostile to the patriots. I am informed, that he is an American of fair character, and very friendly to the patriotic cause, and that his information may be relied upon.

The Speaker has alluded to a pamphlet lately published by a merchant in Philadelphia. I have only seen the outside of the pamphlet; it is said to be written by a gentleman who is not at present engaged in active business as a merchant, and, as far as I am informed, free from improper motives. I am told that it is worth the reading; but that gentleman, (the Speaker insinuates,) and other merchants, are governed in their opinions by the trade they carry on with Spain and her colonies; and this may be true, to a certain extent; they may honestly believe that it is bad policy to give up a trade substantially good, useful to themselves, and more so to the farmers of the country; they know that, at present, they export to Spain and her colonies about two hundred thousand barrels of flour, (being one-seventh of all we do export,) rice, cotton, fish, naval stores, Indian corn, lumber, furniture, nails, boots, shoes, hats, tobacco, East India goods, nankeens, &c., &c., to the amount of nearly eight and a half millions; that, of that sum, four and a half millions is the produce and manufacture of the United States, being a greater amount than is ex-

ported to any other nation, except Great Britain and France, all of which (or nearly all) is carried in our own vessels, thus employing as many tons of our own ships as are employed even in our trade with Great Britain, and infinitely more than with any other nation. It may be proper again to state the fact, that Spain, being cut off from her usual supply of tobacco from the colonies, has been under the necessity of opening her ports to our tobacco; that her people give a decided preference to the tobacco of Kentucky, for which they give two dollars per 100 wt. more than any other; they consume no Maryland tobacco; next to Kentucky, they prefer Virginia. In return for this large trade in exports, we import from Spain and her colonies the articles we most require for the consumption of our own country, to wit, specie, salt, wine, fruits, sugar, coffee, cocoa, molasses, mahogany, dye woods, cochineal, and a variety of other articles, to an amount of eight or ten millions of dollars annually; all of which is carried in our own vessels. We import from Cuba alone, annually, forty-five thousand hogsheads of molasses, requiring, perhaps, twenty thousand tons of shipping for its transport, all carried in vessels of the United States. Sir, the trade we have to Spain and her colonies is more advantageous than that with any other nation, England and France excepted. It enables the merchants to pay off, in part, the immense balance of trade in favor of Great Britain. Besides the trade to and from Spain and her colonies, a very considerable number of vessels of the United States are employed in carrying from Cuba sugar and coffee to the ports of Europe, and, in return, cargoes from Europe to Cuba. Is it, then, surprising, that the merchants of the United States should be willing to risk the loss of a trade so highly important to themselves, and so eminently useful to the agricultural interest of the United States, for a project which, no doubt, will appear to them a little visionary, and which would render little service to the patriots whom the motion professes to serve? What great use will our acknowledging the independence of La Plata be to the patriots? It will have a moral effect, we are told. Sir, I have not much confidence in that which is called moral effect; it is more of sound than substance. If we add physical force to a recognition, then I can comprehend its utility; if we send a fleet and army to their aid, as France did when she declared us to be an independent people, we might render them real and essential service; and if we did, what would our officers see? Why, sir, according to a paper just received, they would find the Executive Directory of La Plata making war, as the ally of the King of Portugal, against Artigas, who is chief of Oriental Banda, and who appears to be, in truth, "a republican;" a man with little education, but of strong mind and strong understanding; brave, active, intelligent; devoted to his country—possessing the entire confidence of the people of whom he is chief. That General has constantly kept the Portuguese confined in Montevideo; nor have they been able to remove him. He defeats them when-

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ever they attempt to remove out of their fortress. We find that the officers of the royal Government of Portugal have obtained the aid of the Directory of La Plata—what for? To put down and destroy the Republican General Artigas. Permit me to read an article from a paper just received. Speaking of Buenos Ayres, the account states: "The present Government reigns with an iron rod—banishment is the order of the day. But it will require all the vigilance they possess to stop the flame which is now arising, and which must burst forth with a rage unprecedented in this country." Again: "The attack made by these people (of La Plata) against General Artigas, has met the reward it merited; in the first attack they met with a loss of three hundred killed, and forty-seven prisoners, and one piece of artillery. Artigas is a brave, intelligent man, of little education, but of sound, solid judgment, adored by his army, and the people of his province, and, I believe, is the only true republican in the country. He is now struggling against the combined efforts of the King of Portugal and this Government, (La Plata.) How must a republican feel when he hears people crying out down with all royalty, and at the same time assisting a crowned head in establishing its tyrannic dominion over a free people?" Mr. Chairman, I vouch not for the truth of this information; but it bears such strong marks of authenticity, that I place confidence in it; and, I think, it ought to induce us to hesitate, and to decline any act that may implicate us in war, until we can be more correctly informed. We may obtain the necessary information on the return of our Commissioners; they are all favorable to the patriotic cause, and we ought to wait their report.

The Speaker ought to know that Portugal, when she first discovered the Brazils, claimed to the river of La Plata; that when she fell under the dominion of Philip, King of Spain, he established Montevideo; and, although the crown of Portugal was wrested from Spain by the Duke of Braganza, yet the Banda Oriental has ever since been held by Spain. The King of Portugal has taken advantage of the present situation of Spain; has taken possession of Montevideo on his right; and is desirous of conquering the whole of the Oriental Banda. Artigas has, as yet, successfully prevented the conquest; the King of Portugal, it would appear, is unequal to the object, and has prevailed on the Supreme Directory of La Plata to assist him, and we find the troops of republican La Plata making war, as an ally of the King of Portugal and Brazils, to conquer the brave and gallant Republican General Artigas. Sir, I conclude with the expression of an opinion, that it is prudent for our Government to wait until we have information, such as we can safely rely upon.

Mr. CLAY (Speaker) again spoke in rejoinder to the gentlemen who had replied to his last speech. After a few prefatory remarks—the gentleman from Georgia, said Mr. C., tells us, and I am now rejoiced to hear it, that his heart is with us; that his feelings are all on the patriotic side.

Our condition is peculiar; the hearts of gentlemen, in opposition to this motion, are with us—but I am afraid we shall find a great number of their votes against us. Yes, sir, State rights—take care of them! Personal liberty—let that take care of itself!

The honorable gentleman has been pleased to refer to an observation of mine respecting the division of parties, on which I would observe, that he has not done me justice. A gentleman from Virginia was the first to introduce that topic, and my remarks were in reply to him only. The gentleman from Georgia, the other day, was pleased to take notice of remarks which had appeared in certain newspapers, in which I did not follow his example. If I had chosen to have done so, I could have taken notice of some denunciations which had been thrown out against myself. But, sir, those scribblers know little of the firm purpose of my soul, if they suppose it is to be shaken by such assaults. No, sir, it was not myself, but the gentleman from Virginia, who presented himself as the champion of the Executive, who took a view of the present question, connected with the divisions of parties. I see nothing in it but a difference of opinion on a particular question, among those who generally act together. It is for those who oppose us to take their course; what that course may be, is to me utterly immaterial.

The gentleman from Maryland, Mr. C. went on to say, was as unfortunate in his practical information, as he was in regard to public law; having mistaken the cause of war by Great Britain against France, during our Revolution, which was not for having recognised us, but for having given us aid. The gentleman was equally unfortunate, Mr. C. said, in replying to his position in regard to foreign commerce, which was not that a small State might not carry on an extensive commerce; for, against that position, Great Britain, whose European possessions were of no great extent, would have been a striking example. What I did observe, said Mr. C., was, that, as to such Powers as South America, the value of their commerce was to be inferred from the extent of the territory or population. The gentleman says, that he is incapable of appreciating the effect of moral causes. Sir, I did not ascribe to him that faculty; but I should have supposed that the gentleman's recollection should have taught him how the heart beat when our independence was acknowledged by foreign Powers, and how like causes would produce like effects. The gentleman had told the Committee of information from Buenos Ayres, that Pueyrredon is carrying on affairs with a high hand. The correctness of this information, Mr. C. said, he doubted very much. The authority of Pueyrredon, he said, was very much like that of the President of the United States; he was a responsible officer, and, instead of putting down the liberty of the press, he answered the calumniators who attacked him, by the wisdom and vigor of his administration, &c. In respect to the letter from Buenos Ayres, which had been spoken of, Mr. C.

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said, he had heard, that the author of that letter, or a similar one, was a nephew of Carrera, the nature of whose views Mr. C. said, he had shown; that Carrera, who sought, on the ruins of Chilian liberty, to erect the fabric of his own ambition, &c. Mr. C. said, he knew nothing of the authority of the gentleman who had been referred to in the debate, as the author of some information from that quarter. Be he who he may, said he, I say again, I wish to see it authenticated by the signature of "Charles Thompson."

Mr. C. remarked, in conclusion, as to the object of his motion, that if the clause were inserted in the bill which he proposed, it would impose on the Executive no obligation, but put it in the power of the President to apply the sum to the purpose specified, whenever he chose to do so, if the Senate thought proper to consent to it.

Mr. SMITH, of Maryland, again rose.—The Speaker, said he, has said, that the moral effect produced on the United States by France, when she recognised our independence, filled all hearts with exultation and joy. Mr. Chairman, I well remember the time, and will tell the Speaker what caused our joy. It was, that the capture of Burgoyne's army had been the cause that induced France to acknowledge our independence. (See King Louis's letter to the King of Spain) and that at the same time that he informed our Government of his recognition, he assured them, that he would send a fleet and army to our assistance. He did so; and, by their noble aid, we secured our independence sooner than we otherwise should have done. If he had not sent physical aid, the moral effect would have done us little good, and we should have laughed at it.

Mr. H. NELSON said it was with great reluctance he rose to address the House again, because he was scarcely competent to make himself heard; but the honorable Speaker had dealt his blows so liberally around, that it was impossible to sit still and tamely bear them. The gentleman introduces me, said Mr. N., as the champion of the Executive. Did I ever so announce myself in this House? so far from it I have explicitly disclaimed it. But, in the same breath in which this charge is made on me, the Speaker informs the House, that he is the advocate for enlarging the Executive patronage, and that we are desirous to control and limit the power of the Executive. I rise now, sir, to claim for myself the character of the champion of liberty, and to protest against the assumption of exclusive right to that character by the Speaker. Having no disposition to trespass on the patience of the House, Mr. N. said he would pass over much he had to say, and come to a particular point. Why, he asked, had the honorable Speaker presented Carrera in an odious light to the Committee and to the nation, as an ambitious, intriguing man? Has the Speaker, said he, any information of an authentic character which we do not possess? He denies credit to information received from respectable Americans at Buenos Ayres, and wants to see "Charles Thompson" to it. And who, sir, is *his* Charles Thomp-

son? Billy Duane; from whose paper he read the matter he quoted to the House as authority. I hold in my hand a document equally entitled to respect with any which the gentleman read to the House—a letter from a friend of Carrera to a gentleman in this country, dated in September last. This man came here to obtain supplies for his country, and did everything he could to serve it. He was arrested at Buenos Ayres, thrown into a dungeon, his property taken from him and disposed of by this immaculate Pueyrredon. This letter was from an eyewitness, who had seen and felt the tyranny of the Supreme Director. And by whom had the virtuous Carrera been arrested? By a scoundrel who, it now plainly appeared, was destroying the rights of his own country by his tyranny and filling his coffers with the spoils of any of his own people, who dared to raise their voice against his tyranny and oppression. Mr. N. also quoted a letter from Chili, dated in July, 1817, speaking of the distracted and unsettled state of that country. [Mr. N. was here obliged to suspend his remarks, his broken voice rendering him unable to proceed.]

Mr. CLAY rejoined. I am charged, said he, with saying that those who are the friends of this proposition are the exclusive friends of liberty. I made no such unjust remark. I said, if the gentleman went away from us, he might, perhaps, in his new political connexion find consolation for the separation from his old friends, who march on in the path of liberty. Sir, the galled jade winces. My quotations, the gentleman says, were from Billy Duane. How does the gentleman know that? [Mr. NELSON said, across the House, that he saw the paper in the gentleman's hands.] I quoted principally from the National Intelligencer, said Mr. C.—others of my quotations were from historical works. The manifesto of July last, I quoted from the Aurora; I am sorry it was not in the Intelligencer; it was as worthy of publication as the speech of the Prince Regent or the King of France. I should like to know whence the gentleman who questions the sources of my information got the letters he has just produced to the House—from what bureau? But, sir, I will not recriminate.

Mr. H. NELSON said, he should like to know what the honorable Speaker meant, when he spoke of the galled jade wincing. When I spoke of the paper which the gentleman quoted as authority, it was because I saw it in his hands. Those letters which I have quoted were addressed to a private gentleman in Georgetown, and by him to me; and as much entitled to credit as any authority the Speaker has produced.

The debate here terminated; and, the question being taken, by yeas and nays, on agreeing to the proposition of Mr. CLAY to insert in the general appropriation bill a provision for an outfit and one year's salary for a Minister to the United Provinces of La Plata, it was decided in the negative.—For the motion 45, against it 115.

The House then proceeded to the other clauses of the appropriation bill.

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The first clause which came under consideration was that of — dollars for the salaries, expenses, &c., on the commissions under the 5th, 6th, and 7th articles of the Treaty of Ghent.

This clause gave rise to some debate.

Mr. CLAIBORNE first took exception to the appropriation, on the ground of the unexpected amount of the expenses of these commissions. In this view of the subject, he was supported by Messrs. HOLMES of Massachusetts, and PITKIN. Mr. LOWNDES, as Chairman of the Committee of Ways and Means, did not justify all the expenditure, but showed that a considerable part of it was unavoidable.

The principal item of expense objected to, was the charge for expenses of the commission, in addition to the salaries which gentlemen supposed were to have covered also the expenses of living of the commissioners, agent, &c. It was further objected that the number of officers employed by the commissioners was too large, and their compensation too great, there being two secretaries instead of one, and private secretaries, besides several surveyors, and the salary of the agents being \$4,444. It was also objected that the course of proceeding of the Northern commission (the expenses of which were principally objected to) had been more minutely particular than a due execution of the object of the commission required, and that it ought to be expedited. These objections were stated as the ground for a delay of the appropriation for this head of expenditure, until a minute investigation could be made, by the committee who have the subject specially confided to their investigation.

The discussion resulted in a partial appropriation for the expenses under these articles of the British treaty; and in restricting the salary of the agents to \$3,000, notwithstanding the objection of Mr. BALDWIN and others, that, as one-half of the expenses were to be paid by each Government, the salaries of our officers ought certainly to be as large as those of the British officers of the same description.

The Committee then rose, and reported the appropriation bill, with the amendments which had been made; and the House adjourned.

MONDAY, March 30.

Mr. POINDEXTER presented a petition of the General Assembly of the State of Mississippi, praying that an act may be passed granting to all persons in said territory, who have, or may forfeit, their lands, for nonpayment of the purchase money, on or before the 1st day of May, 1819, the right of pre-emption in the purchase of the lands by them forfeited, respectively.—Referred to the Committee on the Public Lands.

Mr. LOWNDES, from the Committee of Ways and Means, reported the bill from the Senate to increase the salaries of certain officers of the Government, with some amendments, [making the bill take effect from the first of April next, instead of January last, and striking out the ap-

propriation contained in the bill, leaving it to be provided for in the general annual appropriation bill,] which, together with the bill, were committed to a Committee of the whole House.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, to which was referred the bill from the Senate, entitled "An act for the relief of Martin Warner," reported the same without amendment, and the bill was ordered to be read a third time to-day; which was consequently done, and the bill passed.

The SPEAKER laid before the House papers referred to in the report of the Secretary of State of the 14th instant, accompanying the Message of the President of that date, on the subject of our affairs with Spain, embracing an immense volume of correspondence between our Government and the Minister of Spain antecedent to that communicated on the 14th, and sundry other papers, transmitted to the House by the Secretary of State in obedience to instruction from the President of the United States. The papers were referred to the Committee on Foreign Relations.

A message from the Senate informed the House that the Senate have passed the resolution "respecting an adjournment of the first session of the Fifteenth Congress," with an amendment, in which they ask the concurrence of this House. The Senate have also passed bills of the following titles, to wit:

An act declaring the consent of Congress to an act of the State of North Carolina, for the relief of sick and disabled American seamen;

An act for the relief of Louis and Antoine Dequindue;

An act for the relief of the president, directors, and company of the Merchants' bank of Newport, in Rhode Island; and

Resolution directing medals to be struck, and, together with the thanks of Congress, presented to Major General Harrison and Governor Shelby, and for other purposes; in which last mentioned bills and resolution, they ask the concurrence of this House.

The bills from the Senate, entitled "An act for the relief of the president, directors, and company of the Merchants' Bank of Newport, in Rhode Island;" and "An act for the relief of Louis and Antoine Dequindue," were severally read twice, and referred to the Committee of Ways and Means.

The bill from the Senate, entitled "An act declaring the consent of Congress to an act of the State of North Carolina, for the relief of sick and disabled seamen," was read twice, and ordered to be read a third time to-morrow.

The resolution from the Senate, "directing medals to be struck, and, together with the thanks of Congress, presented to Major General Harrison and Governor Shelby, and for other purposes," was read twice, and ordered to be read a third time to-day. The resolution was, accordingly, read a third time, and passed.

The joint resolution sent to the Senate from this House, fixing on the 13th proximo for the adjournment of the session, having been returned

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from the Senate with an amendment, substituting the 20th of April for the 13th—

Mr. SMITH, of Maryland, moved the indefinite postponement of the resolution, but subsequently withdrew his motion; when

Mr. BEECHER moved that the resolution lie on the table, which motion was decided in the negative, by yeas and nays—yeas 41, nays 111; and the amendment of the Senate was then agreed to without a division.

GOVERNMENT CLERKS.

Mr. HOLMES, of Massachusetts, from the committee appointed to inquire whether any, and what, clerks or other officers in either of the departments, or in any office at the Seat of Government, have conducted themselves improperly in their official duties, made a long report embracing a particular detail of facts touching the conduct of several clerks, accompanied by a voluminous mass of papers, containing evidence, &c., and concluding with the following resolutions:

1. *Resolved*, That it is expedient to prohibit the clerks in the several departments from acting as agents for claimants against the United States.

2. *Resolved*, That it is expedient to prohibit the clerks in the several departments from engaging in the business of trade.

3. *Resolved*, That the several acts relating to the Treasury Department should be amended and certain penalties increased.

4. *Resolved*, That a committee be appointed to report a bill or bills to carry into effect the above resolutions.

The report was ordered to be printed, and—after a few remarks from Mr. LOWNDES, who, without in the least questioning the correctness of the object of the committee, suggested whether the present course was proper, which would in effect, cast censure on the heads of the departments for permitting these irregularities, when it was known, and he presumed to the committee also, that the Executive departments had for some time had this subject under consideration, and were engaged in applying remedies to the irregularities referred to by the committee—the resolutions were severally agreed to, and a committee was appointed accordingly; and Mr. HOLMES, of Massachusetts, Mr. BALDWIN, Mr. T. M. NELSON, Mr. REED, Mr. SOUTHARD, Mr. TALLMADGE, and Mr. CAMPBELL, were appointed the committee.

INTERNAL IMPROVEMENTS.

Mr. TUCKER, of Virginia, from the committee to whom was referred that part of the President's Message relating to roads, and canals, and seminaries of learning, reported the following resolutions, which were, on motion of Mr. BASSETT, ordered to lie on the table and be printed:

Resolved, That the Secretary of War be requested to lay before this House at the ensuing session of Congress, and report a plan for the application of such means as are within the power of Congress, to the purpose of opening and constructing such roads and canals as may deserve and require the aid of the Gov-

ernment, with a view to military operations in time of war, the transportation of munitions of war, and to the more complete defence of the United States. And also a statement of the works of the nature above mentioned, which have been commenced, the progress which has been made, and the means and prospect of their completion, together with such information as in the opinion of the Secretary shall be material in relation to the objects of this resolution.

Resolved, That the Secretary of the Treasury be requested to prepare and report to this House at their next session a plan for the application of such means as are within the power of Congress to the purpose of opening and improving roads and making canals, together with a statement of the undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of the Government; and also a statement of works of the nature above mentioned, which have been commenced, the progress which has been made in them, the means and prospect of their being completed, the public improvements carried on by States, or by companies, or incorporations, which have been associated for such purposes, to which it may be deemed expedient to subscribe or afford assistance, the terms and conditions of such associations, and the state of their funds, and such information as, in the opinion of the Secretary, shall be material in relation to the objects of this resolution.

HISTORY OF CONGRESS.

Mr. ROBERTSON, of Louisiana, from the committee appointed on the petition of Gales & Seaton, made a report thereon, which was read; when Mr. R. reported a bill authorizing a subscription to the History of Congress, which was read twice, and committed to the Committee of the Whole, to which is committed the bill to provide for the publication of the laws of the United States, and for other purposes. The report is as follows:

The committee to whom was referred the memorial of Gales & Seaton, report: That the memorialists are engaged in publishing a history of the Congress of the United States, from the commencement of the Government to the present day, and a continuation of the same history, to keep pace with the present and future transactions of that body. The memorialists solicit the aid of the Government in this their laborious and expensive undertaking. The committee are fully impressed with the importance of this work. Nothing can be more useful than a correct legislative history of the United States. It is a source of much regret that one has hitherto existed; and now, that it is proposed to be published, there can be no hesitation in giving it encouragement. The views and opinions of the great actors on the theatre of government, are not less necessary to be known than their acts themselves. The utility of judicial reports is very generally admitted; and if the reasons of the judge ought to accompany his exposition of the law, how much more proper is it that this should be the case in respect to the views of the legislator, the author of the law itself. To a right understanding of statutes, nothing is more essential than a knowledge of the causes and motives which produced their enactment; and this can in no way be so satisfactorily obtained as by a resort to contemporaneous debate.

That the aid of Congress is necessary to this work, arises out of the great labor and expense attending it,

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whilst, at the same time, no adequate remuneration can be expected from its sale. The agriculturist, the merchant, the mechanic, and the physician, who purchase other books, will feel comparatively but little interest in this, however useful it may be to the politician, the historian, and the law-giver. The work will not afford amusement to the general reader; but without it the archives of the nation are defective.

Congress has not been backward in giving aid to publications of a similar character. Of the new edition of the laws of the United States, a subscription was directed of one thousand copies, before the work was commenced. Three or four hundred have been since purchased of that work, and it is now proposed to purchase eight hundred copies more. A subscription was, in like manner, authorized to Wait's edition of the public documents, and it is further proposed to purchase an equal number of copies of an additional volume of that work, about to be published. The policy is not less just than liberal, which provides for the widest attainable diffusion of whatever concerns the development of the springs and principles of our Government.

With such views it is, that at the present session, the publication of the journals of the Convention, and of the secret journal of the old Congress, has been authorized; and, with such views, the committee ask leave to report a bill "authorizing a subscription to the History of Congress."

GENERAL APPROPRIATION BILL.

The House then took up and proceeded to consider the amendments reported by the Committee of the Whole to the bill making appropriations for the support of Government for the year 1818; which amendments were severally concurred in without debate, with the exception of that making an appropriation of \$130,000 to pay the judgment of damages recovered against David Gelston and Peter A. Schenck, in the supreme court of New York, by Gould Hoyt, for the seizure of the vessel the *American Eagle*.

Messrs. HOPKINSON, BALDWIN, LIVERMORE, and MERCER opposed, and Messrs. LOWNDES, SMITH of Maryland, and SPENCER, supported the appropriation. The opponents contended that the claimants were not entitled to relief, because they seized the vessel on their own responsibility; because they did not take the proper steps to appeal from the decision of the district court refusing a certificate that the seizure was made on probable cause; and because, as they would derive a benefit from the forfeiture, if one had been decreed, they ought to submit to the consequence of an improper seizure. It was answered, that the claimants had refused to seize until peremptorily directed by the Executive; that the proceedings were then in the hands of the law officers of the Government, over whom the claimants had no control, and they could not direct an appeal to the superior courts; that such appeal would have been useless, as there was a decision of the Supreme Court of the United States in another cause, confirming the decision of the district court, that St. Domingo was not a prince or state, within the meaning of the act of 1794; that an appeal would have involved greater expense unnecessarily; that the claimants, not being the in-

formers, it was doubtful whether they would have derived any advantage from a condemnation; and that at all events it was shown from the documents, that such an expectation did not influence them. Mr. HOPKINSON mentioned that money had been drawn from the Treasury and paid to the sureties of the claimants, and he would not sanction such an act by passing the present law. To this Mr. LOWNDES answered, by producing a letter from the Secretary of the Treasury, from which it appeared that the rules of the court of errors in New York required security to be given before a writ of error could be brought upon the judgment rendered against the claimants; and that Mr. Gelston had deposited \$125,000 in a bank, to the credit of his sureties, out of moneys collected by him; and that it had been stated in his quarterly accounts regularly ever since. Many other incidental points arose. The clause finally passed by a vote of 60 to 59.

The amendments having been gone through—Mr. FORSYTH moved to strike out the specific appropriation of \$30,000 to pay the mission to South America, and to add the \$30,000 to the contingent fund.

Mr. F. remarked, in explanation of his motion, that the specific appropriation supposed that the persons sent by the President were official characters; as such, it was necessary that their appointments should be submitted to the Senate. They would be considered in the light of Ministers of some grade, sent to a foreign Government, and not agents appointed under the discretion of the Executive to acquire information. The practice of all former times required the payment to be made out of the contingent fund, whose expenditure was trusted wholly to Executive discretion. The recognition of such unofficial agents, and a specific appropriation to pay them, would be to establish a precedent for the most extensive abuses—abuses which could not well be committed by expenditures out of the contingent fund. He believed there was little difference of opinion as to the propriety of the course adopted by the Government, and none to the appropriation of the necessary funds to meet its views. He supposed that his motion would prevail without difficulty, and reconcile every possible objection to that part of the appropriation bill.

Mr. LOWNDES signified his approbation of Mr. FORSYTH's proposition; and

The motion was agreed to without opposition.

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Mr. ANDERSON, of Kentucky, then rose and renewed the proposition unsuccessfully made in Committee of the Whole by Mr. CLAY, to appropriate a sum not exceeding \$18,000 "for an outfit and one year's salary of a Minister to the United Provinces of the River Plata, the outfit to be paid and the salary to commence whenever the President shall deem it expedient to send a Minister to the Government of the said provinces."

Mr. ANDERSON made this motion not with an idea of a different result, but in consideration of the great importance of the question, on which it

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was desirable to have the vote recorded, with which view he asked for the yeas and nays.

Mr. SPENCER observed that he would trespass on the indulgence of the House but a few moments. It is not my intention, said Mr. S., to discuss the merits of this proposition. After the wonderful ability which it has already called forth; after the splendid blaze of eloquence which has been poured upon the subject, I have not the vanity to suppose that I can throw any new light upon it. But some ideas have been avowed in the debate, and some insinuations have been made which render it proper and necessary for me to state the reasons which induce the vote I shall give in favor of the amendment. It has been said by one gentleman that the passage of this amendment would be a censure upon the Executive. And, pray sir, if it were, does that alter the case? Are we assembled here to vote according to the wishes of the President? or, have we a duty of our own to perform? As one, sir, so long as I hold a seat on this floor, it shall be my peculiar object to watch the Executive branch of the Government—not the individual, but the acts of that branch. To us, and to us only, is he responsible, according to the provisions of the Constitution.

Another gentleman has, however, carried this idea much further. He (Mr. H. NELSON, of Virginia,) tells us that this proposition is the signal for a new formation of parties, and is intended to denounce the President. Sorry I am, sir, to hear such groundless alarms rung to prevent the adoption of this measure. Denounce the President! Why, sir, you may as well expect the pigmy to denounce the giant. Look at the present incumbent of the Executive Chair; besides the usual influence of his office; besides his almost unbounded patronage, his power of bestowing an office here and a contract there; he possesses a popularity and an influence at this moment, which was never equalled by any other man, excepting the Father of his Country, in the first years of his Administration. And who is to denounce him? The House of Representatives: a body without power, without influence, and so far from being popular, that it is notoriously the branch of the Government most frequently calumniated. When these are put in opposition, and it is said that the weak, the imbecile, is denouncing the man mighty in strength; the malevolent might infer that the remark was intended as a caution to the pigmy, how he exposed himself to the wrath of the giant. But, sir, let me inform you and the gentleman who made the remark, that such menaces have no terrors for me. The path of duty lies plainly before me, and I shall not be deterred from pursuing it by any apprehensions of danger from any source.

But the imagination of the gentleman is affected with the dread of the formation of a new party. Let him dismiss his fears, sir, at least until he finds us coalescing with our old opponents; as one, sir, I disavow any such feeling, any such motive. I claim to belong to the old Republican party of this country; I was nurtured

in its bosom, I have grown with its growth, and strengthened with its strength, and I shall be the last man to attempt its division. I will enlist under the banners of no man; I adopt as my maxim, in the fullest extent, the motto of the present President, "*principia non homines*," principles, not men. I shall adhere to the Republican majority, so long as it adheres to the principles on which it was formed, and upon which it triumphed, but not one step further will I go, with any man or with any party.

But so far from the present proposition being a censure on the Executive, my belief is, that from every public act or declaration of his, with which we are acquainted, we are justified in inferring that it will be consonant to his views. It cannot be necessary to travel over this ground again, after it has been so well explored by my friend from Massachusetts (Mr. HOLMES.) The proposition is simply to give the President the means of sending a Minister to the Government of Buenos Ayres, whenever it shall, in his opinion, be expedient to do so. I would not now send a Minister there; I would certainly wait for one to be first sent to us from that Government, and prudence also would dictate some delay until more certain intelligence was received from there. But I am anxious to evince to the world, and to the suffering patriots who are struggling in the noble cause of liberty, our desire to seize the very first opportunity to hail them as brethren. That the President possesses the same feeling, the same anxiety, is, I think, evident, from every page of his message, and of the correspondence. Let us then, by our acts, exhibit the same ardor, and, as far as we are able, animate our suffering brethren in their glorious struggle for independence.

The proposition before us, is now made; it will be known to the world, to Spain, and to Spanish America. It must be adopted or rejected. If successful, I need not repeat the beneficial consequences, which have already been so eloquently described. If it be rejected, ask gentlemen to reflect whether that event will not wear an aspect of unkindness; I will not say of hostility to the cause, because every gentleman who has yet expressed his sentiments, has declared them to be warmly and strongly in favor of that cause; but, I repeat the question, whether it will not have the appearance of indifference?

But, sir, I vote for this proposition on another ground. I believe most firmly that we have the Constitutional power to legislate on this and every other subject connected with our foreign relations, or with the regulation of commerce. I hold it to be a power concurrent with that of the Executive branch, and believing it to be one of the most important which this House possesses, I would make a perpetual claim to the right on every proper occasion, and I would place it on the records of the nation as an eternal evidence of that claim.

Since then, no injury can flow from its adoption, because it will still be left to the Executive discretion; but on the contrary, much good is confidently anticipated; and, since its rejection may depress that cause for which we all profess so

much attachment, let us advance and share with the Executive that responsibility which now rests with him, and which must, in any event chiefly continue with him.

When Mr. SPENCER concluded—

The question was taken on the motion, and decided in the negative, by yeas and nays, by exactly the same vote as decided the question in Committee of the Whole, viz: yeas 45, nays 115, as follows:

YEAS—Messrs. Anderson of Pennsylvania, Anderson of Kentucky, Barber of Ohio, Bellinger, Bloomfield, Blount, Boden, Claiborne, Comstock, Cook, Crawford, Desha, Drake, Earle, Floyd, Gage, Harrison, Herkimer, Herrick, Holmes of Massachusetts, Johnson of Virginia, Johnson of Kentucky, Jones, Kinsey, Merrill, Murray, New, Ogle, Owen, Patterson, Porter, Quarles, Robertson of Kentucky, Robertson of Louisiana, Rogers, Shaw, Spencer, Tarr, Townsend, Trimble, Tucker of Virginia, Upham, Walker of North Carolina, Walker of Kentucky, and Whiteside.

NAYS—Messrs. Abbott, Adams, Allen of Massachusetts, Allen of Vermont, Austin, Baldwin, Ball, Barbour of Virginia, Bassett, Bateman, Bayley, Beecher, Bennett, Boss, Burwell, Butler, Campbell, Claggett, Cobb, Colston, Crafts, Cruger, Culbreth, Cushman, Darlington, Edwards, Ellicott, Ervin of South Carolina, Folger, Forney, Forsyth, Garnett, Hall of Delaware, Hall of North Carolina, Hasbrouck, Herbert, Hitchcock, Hogg, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Huntington, Irving of New York, Kirtland, Lawyer, Linn, Little, Livermore, Lowndes, W. P. Maclay, McCoy, Marr, Mason of Massachusetts, Mason of Rhode Island, Mercer, Middleton, Moore, Morton, Moseley, Mumford, Jeremiah Nelson, H. Nelson, Ogden, Palmer, Parrott, Pawling, Pindall, Pitkin, Pleasants, Poindexter, Reed, Rhea, Rice, Rich, Richards, Ringgold, Ruggles, Sampson, Savage, Schuyler, Scudder, Sergeant, Settle, Seybert, Sherwood, Silsbee, Simkins, Slocumb, S. Smith, Ballard Smith, Alexander Smyth, J. S. Smith, Speed, Stewart of North Carolina, Strong, Stuart of Maryland, Tallmadge, Taylor, Terrill, Terry, Tompkins, Tucker of South Carolina, Tyler, Wallace, Wendover, Westerlo, Whitman, Williams of Connecticut, Williams of New York, Williams of North Carolina, Wilkin, Wilson of Massachusetts, and Wilson of Pennsylvania.

The bill was then ordered to be engrossed for a third reading.

TUESDAY, March 31.

Mr. SEYBERT, from the Committee on Commerce and Manufactures, made unfavorable reports on the several petitions of the manufacturers of looking-glasses in frames, and carvers and gilders of wood; on the petitions of the merchants, traders, and tailors, of Boston and Philadelphia, and on the petition of Wheeler and Cock; which reports were read, and severally concurred in.

Mr. FORNEY, from the Committee on Military Affairs, made a report on the petition of George Shover, which was read; when Mr. F. reported a bill, allowing bounty in land and pay to certain soldiers who left the service without leave, after the close of the late war with Great Britain;

which was read the first and second time, and ordered to lie on the table.

Mr. JOHNSON, of Kentucky, from the same committee, to which was referred the bills from the Senate, entitled "An act for the relief of Cata Bunnell;" and "An act regulating the staff of the army;" reported the said bills without amendment.

The bill, "for the relief of Cata Bunnell," was ordered to be read a third time to-morrow.

The bill, "regulating the staff of the army," was ordered to lie on the table.

Mr. HERBERT, from the Committee for the District of Columbia, to which were committed the bills from the Senate of the following titles, to wit: "An act to make valid certain acts of the justices of the peace in the District of Columbia;" "An act to regulate the fees of public notaries in the county of Washington, in the District of Columbia;" and "An act to incorporate a Fire Insurance Company in the City of Washington;" reported the said bills without amendment.

Ordered, That the former of the said bills lie on the table, and that the two latter be read a third time to-morrow.

On motion of Mr. BEECHER, the Committee on the Public Lands were instructed to inquire into the expediency of suspending, for one year, the law authorizing the sale of lands that have been entered, and have not been paid for within one year after the last payment shall have become due.

On motion of Mr. PITKIN, a committee was appointed to join such gentlemen as may be appointed by the Senate, to take into consideration, and report what business is necessary to be acted upon before the close of the present session; and Messrs. PITKIN, LOWNDES, and WILLIAMS of North Carolina, were appointed of the committee on the part of the House.

The bill fixing the time (2d of November) for the next meeting of Congress, was ordered to be engrossed, and read a third time to-morrow.

The bill from the Senate, entitled "An act declaring the consent of Congress, to an act of the State of North Carolina, for the relief of sick and disabled American seamen;" was read the third time, and passed.

An engrossed bill, entitled "An act making appropriations for the support of Government for the year 1818;" was read the third time, and passed.

The bill for the relief of Joseph Thorn, passed through a Committee of the whole House, and was ordered to be engrossed, and read a third time.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled an "Act for the relief of Daniel Burnet, Gibson Clark, and the legal representatives of Hubert Rowel," with an amendment; and they have also passed a bill, entitled "An act supplemental to the act, entitled 'An act further to amend the charter of the City of Washington;' in which amendment and bill they ask the concurrence of this House.

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The Cumberland Road.

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THE CUMBERLAND ROAD.

The orders of the day being announced, on the bill making appropriations; the first, of \$52,984, to pay the claims now due at the Treasury; and the second, of \$260,000, to meet the demands that will be made under existing contracts, towards completing the Cumberland road—

Mr. SPENCER, of New York, rose, and moved that the Committee of the whole House be discharged from the consideration of the bill, and that it be postponed indefinitely.

This motion brought on a short debate on the merits of the bill; in which the postponement was advocated by the mover, by Mr. BASSETT, and Mr. LIVERMORE; and opposed by Messrs. TUCKER of Virginia, HARRISON, TARR, PINDALL, BEECHER, TRIMBLE, MERCER, and SMITH, of Maryland.

The question on postponing the bill was finally negatived—yeas 56, nays 82, as follows:

YEAS—Messrs. Austin, Barbour of Virginia, Bassett, Bellinger, Bennett, Boden, Burwell, Butler, Claggett, Claiborne, Cook, Crafts, Cruger, Drake, Earle, Edwards, Ellicott, Gage, Garnett, Hall of Delaware, Hall of North Carolina, Hasbrouck, Herkimer, Hogg, Hunter, Huntington, Johnson of Virginia, Lawyer, Livermore, McCoy, Mason of Rhode Island, Merrill, Hugh Nelson, Palmer, Rhea, Richards, Sampson, Savage, Scudder, Settle, Shaw, Silsbee, J. S. Smith, Spencer, Strong, Strother, Tallmadge, Tompkins, Townsend, Tucker of South Carolina, Tyler, Wendover, Williams of New York, Williams of North Carolina, Wilson of Massachusetts, and Wilson of Pennsylvania.

NAYS—Messrs. Abbott, Anderson of Pa., Anderson of Kentucky, Baldwin, Bateman, Bayley, Beecher, Bloomfield, Campbell, Cobb, Colston, Comstock, Crawford, Culbreth, Cushman, Darlington, Desha, Ervin of South Carolina, Forsyth, Hale, Harrison, Herbert, Herrick, Heister, Hitchcock, Holmes of Massachusetts, Holmes of Connecticut, Hopkinson, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Linn, Little, Lowndes, Marchand, Mason of Massachusetts, Mercer, Middleton, Moore, Moseley, Murray, Jeremiah Nelson, Ogden, Ogle, Parrott, Patterson, Pawling, Pindall, Pitkin, Pleasants, Poindexter, Reed, Rich, Ringgold, Robertson of Louisiana, Rogers, Ruggles, Sawyer, Schuyler, Sergeant, Seybert, Sherwood, Simkins, Slocumb, S. Smith, Ballard Smith, Speed, Stewart of North Carolina, Stuart of Maryland, Tarr, Taylor, Terrill, Terry, Trimble, Tucker of Virginia, Upham, Wallace, Westerlo, Whiteside, Whitman, and Williams of Connecticut.

The House then resolved itself into a Committee of the Whole, on the above bill.

Mr. BASSETT moved to strike out the second section of the bill, appropriating \$260,000 to meet the demands that will be made under existing contracts for carrying on the work, and spoke in support of his motion.

The motion was advocated, and the bill opposed, also, by Mr. CLAIBORNE; and the bill supported, and the motion opposed, by Messrs. TUCKER, of Virginia, HARRISON, BEECHER, SIMKINS, and CLAY; and with particular zeal and earnestness by the last-named gentleman.

Mr. SIMKINS, of South Carolina, said: I rise,

Mr. Chairman, with no view to enter into an elaborate or minute discussion of the question before the Committee; for to re-discuss the constitutionality of a subject so intimately connected with the one so lately and ably examined in this House, would be a waste of time, and a trespass upon the indulgence of the members. I rise principally to say that I shall vote for the great work contemplated by the bill, not merely because it is begun, and the faith of the Government pledged by contracts with individuals actually made by the President, but because it is a national work, and one of great utility to the Western country generally, and to several of the Atlantic States; and here, Mr. Chairman, permit me to enter my solemn protest against a spirit of partial sectional legislation in this House. If this is not the case, why do we hear the honorable gentleman from Virginia (Mr. BASSETT) asking if this House intends to tax his constituents and the whole continent, for a road constructed for the State of Ohio? Does the gentleman come here to legislate for his particular district (except in mere local matters, in which I admit we ought especially to represent our constituents,) and will he not extend his views beyond it, or the State from which he comes? Yes, Mr. Chairman, when we come here, we ought to bring along with us general and extended views: and I should deem myself unworthy to fill the station assigned me by a very respectable portion of Americans (my constituents) if, when I entered this Hall, I did not elevate my mind and extend my exertions to national purposes, and national objects. In voting, therefore, I will not always ask the question, is South Carolina to be exclusively, or more signally benefited by the measure proposed, than any other State? Such a contracted view would lead to little sectional jealousies and to legislate for holes and corners, instead of for a great and rising Federal Union. This road, cut through the Alleghany Mountains, runs from the heart of Maryland (the city of Baltimore) through that State, Pennsylvania, and to Wheeling, in the State of Ohio, forming a grand, useful and easy pass from the centre of the Union to the fertile and now populous regions of the Western country. It is a part of that grand scheme of internal improvements, which will adorn and enrich our nation, and cement, fraternize, and consolidate the various parts of our varied and increasing continent.

But the gentleman from New York (Mr. SPENCER) who moved indefinitely to postpone this bill, as well as the gentleman from New Hampshire (Mr. LIVERMORE) are averse from doing anything, unless a great system of internal improvement is undertaken at once. This is not my mode of thinking; for if it is inexpedient, for want of money, or other causes, to do all, I am not for neglecting that which is most important, and can be accomplished: I would therefore appropriate to that object, most imperiously demanded by the general interest, in the first place, and proceed to others next in rank, as funds, and other concurring circumstances should warrant. As a South Carolinian, I would lend my aid to further the

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work in question, under the firm assurance that a correspondent liberality of spirit would induce honorable members to give us also a great pass-way from the South, immediately into the Western country, or a canal projected and thought entirely practicable by the ablest men amongst us, leading along the Atlantic coast, and forming a grand communication from North to South, for internal commerce and transportation, when we may be cut off from all foreign supplies.

Let the gentleman from New York then, not be discouraged, as he may expect, at a convenient period, to receive these same testimonies of national munificence towards the great and laudable plan of that State, to connect the Lakes with her great emporium of commerce. In short, every part of the Union may and will eventually feel the signal advantages of this system, without any additional burdens upon the people, (for our wealth in lands, some of which are set apart for these purposes, is inexhaustible;) a system too extensive to be accomplished by any single State, and which is therefore necessarily devolved on the whole Union.

I am therefore, said Mr. S., in favor of the bill, not only because the work is actually undertaken, in considerable forwardness, and the faith of the Government pledged by contracts already made towards it, but upon the general principles which I have endeavored to explain.

Mr. BASSETT's motion was lost—yeas 48, nays 61.

Mr. TUCKER, of Virginia, moved to add the following as a new section to the bill:

"And be it further enacted, That, in the event of the incorporation of a company or companies by the Legislature of the State of Virginia, for the construction of a turnpike road from the said United States' road to Winchester in Virginia, the Secretary of the Treasury of the United States is hereby authorized to subscribe, in the name and on behalf of the United States, for two-fifths of the capital stock in such company or companies: Provided, the residue of the stock be otherwise subscribed or taken, and the terms of incorporation in the opinion of the President of the United States are judicious and calculated to effect the object of such incorporation: And provided also, That a provision be made in such act of incorporation authorizing such subscription on the part of the United States."

This proposition was lost by a large majority; and then—

Mr. TARR moved an additional section, modified, with his consent, by Mr. BEECHER, to read as follows:

"SEC. 3. Be it further enacted, That to enable the President of the United States further to construct and complete the national road from Cumberland to the Ohio river, two hundred thousand dollars be and the same hereby is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be repaid out of the fund reserved for laying out and making roads to the State of Ohio."

This amendment was strenuously advocated by Messrs. CLAY and PINDALL and opposed briefly by Messrs. HOPKINSON and PITKIN, and earnestly by Mr. BALDWIN.

A motion to expunge from the amendment the word "national," was lost without a division; and the amendment itself then negatived—yeas forty-two.

Mr. BASSETT next moved to add to the second section the following proviso: "Provided, that nothing in this or any former law shall pledge the Government to any further appropriation;" which motion was negatived—only about twenty rising in its favor.

Mr. BALLARD SMITH, then, after some introductory and explanatory remarks moved the adoption of the following, as an additional section to the bill:

"And be it further enacted, That, in the event of the incorporation of a company or companies by the Legislature of the State of Virginia, for rendering navigable the James River, from the mouth of Sooney's Creek to the mouth of Dunlap's Creek, and for rendering navigable the Great Kenawha from its falls to its mouth, and for constructing a turnpike road from the mouth of Dunlap's Creek to the falls of the Great Kenawha, the Secretary of the Treasury of the United States is hereby authorized to subscribe, in the name and on behalf of the United States, for two-fifths of the capital stock in such company or companies: Provided, the residue of the stock be otherwise subscribed or taken, and the terms of incorporation in the opinion of the President of the United States are judicious and calculated to effect the object of such incorporations: And provided also, That a provision be made in such act of incorporation authorizing such subscription on the part of the United States."

Mr. SMITH's proposition was negatived without a division; and the Committee then rose and reported the bill without amendment; and the bill was ordered to be engrossed for a third reading—yeas 67, nays 62.

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WEDNESDAY, April 1.

The SPEAKER presented a representation of Manuel Torres, stating that he has discovered that the United States sustains great loss in the receipt and expenditure of the public revenue; and that he has also discovered the means by which this loss may be avoided, and offering to communicate his discovery upon the assurance of receiving a portion of the moneys which may be saved to the public by means of his said discovery.—Referred to the Committee of Ways and Means.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of James Orr, which was read; when Mr. W. reported a bill for the relief of James Orr, which was read, and committed to a Committee of the Whole.

Mr. WILLIAMS, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of John G. Bogert," made a report recommending the rejection thereof. The bill and report were committed to a Committee of the Whole.

Mr. ROBERTSON, of Louisiana, from the Committee on the Public Lands, reported a bill for adjusting the claims to land, and establishing

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land offices in the districts east of the island of New Orleans; which was read twice, and committed to the Committee of the Whole, to which is committed the bill supplemental to the several acts for the adjustment of land claims in the State of Louisiana and Territory of Missouri.

Mr. ROBERTSON, from the same committee, to which was referred the bill from the Senate, entitled "An act respecting the surveying and sale of the public lands in the Alabama Territory," reported the same without amendment, and the bill was committed.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, reported a bill concerning invalid pensions; which was read twice.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, reported a bill to increase the duties on certain manufactured articles imported into the United States; which was read twice, and committed to a Committee of the Whole.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, made unfavorable reports on the petitions of the piano-forte and organ builders of Philadelphia, New York, Boston, and Baltimore, of the New York Slate Company, of Thomas Tennant and George Stiles; which reports were severally concurred in by the House.

On motion, the Committee of Commerce and Manufactures were discharged from the further consideration of the resolution offered by Mr. SILSBEE on the 19th of December last, respecting the appropriations for building custom-houses.

Mr. PLEASANTS, from the Committee on Naval Affairs, made a report on the resolutions some time since submitted by Mr. JOHNSON, of Virginia, on the subject of the court martial upon Captain Perry and Captain Heath of the Marines. The report was long, with the statement of the opinion of the committee, that the defect was not in the law, but in the administration of it.

Mr. JOHNSON, of Virginia, made several observations on the report; contending that if there had been any omission of duty on the part of any officers intrusted with the administration of the law, they ought to be brought to the notice of the House, and maintaining his original idea that the law was unequal and defective; and he submitted a resolution instructing the same committee to report a bill to deprive any officer who should strike his inferior officer, or draw or raise a weapon upon him, of his commission.

Mr. PLEASANTS made some remarks in explanation, and moved that the report and resolution be laid on the table and printed; which was carried without a division.

Bills of the Senate of the following titles, to wit: An act for the relief of Cata Bunnell; An act to regulate the fees of the public notaries in the county of Washington, in the District of Columbia; and An act to incorporate a Fire Insurance Company in the City of Washington, were severally read the third time, and passed.

Mr. FORSYTH, from the Committee on Foreign Relations, reported a bill to increase the allow-

ance to Consuls on the Barbary coast, which was read twice, and committed to a Committee of the Whole.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of Daniel Burnet, Gibson Clark, and the legal representatives of Hubert Rowel," was read and referred to the Committee on Private Land Claims.

The bill from the Senate, entitled "An act supplemental to the act, entitled 'An act further to amend the charter of the City of Washington,'" was read and referred to the Committee for the District of Columbia.

An engrossed bill, entitled "An act for the relief of Joseph Thorn," was read the third time and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act limiting the time for claims being produced for lands authorized to be granted to the inhabitants of New Madrid," and a resolution "requesting the President of the United States to present a sword to Colonel Richard M. Johnson;" in which bill and resolution they ask the concurrence of this House.

The said bill was read twice, and ordered to be read a third time to-morrow.

The House went into Committee of the Whole on the bill from the Senate "to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office, and for designating the western boundary line of the Virginia military tract."

Considerable discussion took place on the details of this bill, in which Messrs. H. NELSON, ANDERSON of Ky., HARRISON, CAMPBELL, MERCER, and BEECHER took part. Several amendments were adopted, the most important of which was one to prohibit the issuing of patents on locations made on lands to which the Indian title is not extinguished.

The amendments were reported to the House, ordered to be engrossed, and, with the bill, to be read a third time.

The House next resolved itself into a Committee of the Whole on the bill supplementary to the act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States.

Mr. MIDDLETON offered, by way of amendment, a substitute for the whole bill, which was agreed to, and, being reported to the House, was ordered to lie on the table and be printed.

The bill for the relief of George Pearson passed through a Committee of the Whole, and was ordered to be engrossed.

HISTORY OF CONGRESS.

The House then went into Committee of the Whole on the bill providing for the publication of the laws of the United States; and on the bill authorizing a subscription to the History of Congress.

The details of the bill first named occupied some time, and gave rise to considerable discus-

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sion; and being gone through, the Committee took up the second bill.

Mr. BUTLER moved to strike out the first section of the bill, in support of which motion—

Mr. B. said, he was unable to perceive that any great public advantage could result from having a History of Congress, and considered himself bound to oppose the passage of the bill. Judging from the specimen exhibited, he said, the history would embrace a considerable part of the Journals of Congress, which were already published, together with the numerous speeches, many of which had long since passed into oblivion—that a History of Congress from the commencement, including the present Congress, would make sixty volumes, calculating four volumes for each Congress, a thousand copies of which, at five dollars for each volume, would amount to three hundred thousand dollars to be paid by the Government. He said this might be supposed an extravagant calculation, but he believed no gentleman would say that the portion of the Journals to be selected, together with the speeches of each Congress, would comprise less than two volumes, and at that rate the expense which would accrue to the Government in publishing the History, would be one hundred and fifty thousand dollars. In opposing the passage of the bill, he said, he expected to encounter the eloquence of all the orators of the House, among whom he had not the vanity to expect to be classed. To such gentlemen it might be pleasing to read their own speeches, and see their names floating down the current of time in this great political ark, the History of Congress. If gentlemen were disposed to preserve some of the speeches in Congress, as specimens of pure eloquence, they might be published by subscription. And, in answer to the gentleman from Louisiana, (who said that Mr. B., from the specimen he had given, would figure in the History if he continued in Congress,) Mr. B. said, he had not the ability and much less an inclination, to figure in public debate; nor did he wish to excite in others that insatiable thirst for speaking, which had protracted the session to a great length. He said, he had a high respect for the talents and faithful services of the gentlemen who proposed publishing the History, and would most cheerfully aid them in the undertaking, by voting for a subscription on the part of the Government, if he could be satisfied that the utility of such a publication would justify so great an expenditure of public money.

Mr. BUTLER'S motion, after some opposition from Mr. ROBERTSON, of Louisiana, was agreed to without a division, and the Committee rose, and reported their proceedings to the House.

The first bill was further amended, and ordered to be engrossed for a third reading; and the report on the second was ordered to lie on the table.

CUMBERLAND ROAD.

An engrossed bill, entitled "An act making further appropriations for the construction of the Cumberland road," was read the third time.

And on the question, Shall it pass? it was determined in the affirmative—yeas 74, nays 56, as follows:

YEAS—Messrs. Allen of Vermont, Anderson of Pennsylvania, Anderson of Kentucky, Baldwin, Barber of Ohio, Bateman, Bayley, Beecher, Bloomfield, Boss, Campbell, Cobb, Colston, Comstock, Crawford, Darlington, Desha, Forsyth, Harrison, Hendricks, Herrick, Heister, Hitchcock, Holmes of Massachusetts, Holmes of Connecticut, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Lewis, Linn, Little, Livermore, Lowndes, W. P. Maclay, Marchand, Mason of Massachusetts, Mercer, Middleton, Moore, Moseley, Murray, Ogle, Parrott, Patterson, Pawling, Peter, Pindall, Pitkin, Poindexter, Reed, Rice, Rich, Ringgold, Robertson of Kentucky, Robertson of Louisiana, Rogers, Ruggles, Seybert, Sherwood, Simkins, Slocumb, S. Smith, Bal. Smith, Speed, Stewart of North Carolina, Strong, Tarr, Taylor, Trimble, Tucker of Virginia, Wallace, and White-side.

NAYS—Messrs. Adams, Allen of Massachusetts, Austin, Ball, Barbour of Virginia, Bassett, Bennett, Blount, Boden, Burwell, Claggett, Claiborne, Cook, Crafts, Culbreth, Drake, Edwards, Ellicott, Garnett, Hale, Hall of Delaware, Hall of North Carolina, Hasbrouck, Herkimer, Hogg, Hopkinson, Hunter, Huntington, Johnson of Virginia, Kirtland, Lawyer, Mason of Rhode Island, Merrill, H. Nelson, New, Palmer, Pleasants, Rhea, Richards, Savage, Sawyer, Scudder, Sergeant, Settle, Shaw, J. S. Smith, Spencer, Tallmadge, Tompkins, Townsend, Tucker of South Carolina, Upham Walker of Kentucky, Williams of New York, Williams of North Carolina, and Wilson of Massachusetts.

NEXT MEETING OF CONGRESS.

An engrossed bill, entitled "An act fixing the time for the next meeting of Congress," was read the third time; and the question was stated, Shall it pass?" when

Mr. SIMKINS moved that the bill be postponed indefinitely; which was rejected by the House.

Mr. EDWARDS moved that the bill be laid on the table; which motion was also rejected by the House.

Mr. WILLIAMS, of Connecticut, then moved that it be postponed for two weeks. This motion was also rejected.

The question was then taken, Shall the bill pass? and was decided in the affirmative—yeas 87, nays 44, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Anderson of Pennsylvania, Barber of Ohio, Bayley, Bennett, Bloomfield, Boden, Boss, Claggett, Claiborne, Colston, Comstock, Crawford, Culbreth, Darlington, Drake, Earle, Ellicott, Folger, Forsyth, Harrison, Herkimer, Heister, Holmes of Connecticut, Hopkinson, Hunter, Huntington, Irving of New York, Jones, Kinsey, Kirtland, Lawyer, Linn, Little, Livermore, W. P. Maclay, Marchand, Mason of Massachusetts, Mason of Rhode Island, Mercer, Merrill, Morton, Moseley, Jeremiah Nelson, New, Ogle, Palmer, Parrott, Pawling, Peter, Pitkin, Poindexter, Reed, Rhea, Rich, Ringgold, Robertson of Kentucky, Robertson of Louisiana, Rogers, Ruggles, Sampson, Sawyer, Seybert, Shaw, Sherwood, Slocumb, S. Smith, Speed, Spencer, Stewart of North Carolina, Strong, Strother, Stuart of Maryland, Tall-

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Sword to Colonel Johnson.

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madge, Taylor, Tompkins, Trimble, Tucker of Virginia, Walker of Kentucky, Wallace, Whiteside, Whitman, Williams of New York, Wilson of Massachusetts, and Wilson of Pennsylvania.

NAYS—Messrs. Abbott, Anderson of Kentucky, Austin, Baldwin, Ball, Barbour of Virginia, Bassett, Bateman, Beecher, Blount, Burwell, Campbell, Cobb, Cook, Crafts, Desha, Edwards, Garnett, Hall of Delaware, Hall of North Carolina, Hendricks, Herrick, Hitchcock, Hogg, Johnson of Virginia, Lowndes, Middleton, Murray, H. Nelson, Patterson, Pindall, Pleasants, Rice, Richards, Savage, Scudder, Sergeant, Settle, Simkins, Tarr, Townsend, Tucker of South Carolina, Williams of Connecticut, and Williams of North Carolina.

SWORD TO COL. JOHNSON.

A resolution awarding a sword to Col. Richard M. Johnson, in consideration of his valor and good conduct at the battle with the combined English and Indian forces on the river Thames, in Upper Canada, on the 5th of October, 1818, was read twice and put on its passage.

Mr. CLAIBORNE rose to offer an amendment to the resolution. While the House was dispensing rewards, he said, for meritorious services, he wished to introduce to attention the names of two other characters. One was Major General Carroll, of Tennessee. That officer was engaged in the public service from the commencement of the late war to its glorious termination at New Orleans. Mr. C. briefly recapitulated some of the distinguished services which this officer had rendered. He had organized the force which repaired from Tennessee to the defence of New Orleans, and which by its rapid march under the direction and exertion of Gen. C. had reached that place in time to save the city from the enemy; and he had rendered other services too prominent to need being mentioned, and which would not permit him to be overlooked on this occasion. Mr. C. next mentioned Brigadier General Coffee, whose name was familiar to every one. At the commencement of the war that officer volunteered his services, and by his zeal and influence induced a great many others to enter the service. For his merit he was promoted from captain of a mounted company to the command of a brigade; and his gallant conduct in the Creek war, at Talledega, at New Orleans, &c. had proved him worthy of the distinction. Mr. C. concluded by moving to insert the names of these officers in the resolution.

Mr. POINDEXTER rose to second the motion of the honorable member from Tennessee. The distinguished services of General Carroll, from the commencement of the Creek war to the close of the late contest with Great Britain, Mr. C. said, were known to the nation, and appreciated by all who witnessed his meritorious conduct. At the critical and interesting period, when a powerful and well-disciplined army of the enemy invaded the State of Louisiana, and menaced the city of New Orleans, the exertions of General Carroll were particularly conspicuous, and eminently contributed to the glorious result which gave security to that city and renown to the arms

of our country. The division of militia from the State of Tennessee, under his command, destined to participate in the defence of the Southern frontier, descended from Nashville to New Orleans with unexampled rapidity, and arrived at a moment the most auspicious to the safety of that important point. Without this reinforcement General Jackson would have been destitute of the force called for by that great emergency. The consequences of such deficiency might be imagined. During that memorable campaign the gallantry of this corps and of its intrepid commander elicited the thanks of a grateful people, and of the illustrious General under whom they fought and conquered. I accord my hearty assent, said Mr. P., to the proposition made by the gentleman from Tennessee to reward these services by a suitable manifestation of the national gratitude. But Mr. P. suggested to him the propriety of presenting it in a distinct resolution, properly digested and matured.

Mr. DESHA made a few remarks in support of the expressions of the resolution, as to the gallant conduct of Col. Johnson, on the occasion referred to. He was present when those services were performed, and could bear testimony to the intrepidity displayed by Col. J.

Mr. CLAIBORNE, according to the suggestion of Mr. POINDEXTER, withdrew his proposition for the present; and the resolution then passed *nem. con.*

THURSDAY, April 2.

The SPEAKER presented a petition of Vicente Pazos, of Peru, in South America, on behalf of himself and others, praying compensation for their private property which was taken possession of upon the occupation of Amelia Island by the troops of the United States.—Referred to the Committee of Claims.

Mr. SEYBERT reported a bill to change the name of the district of Erie in the State of Ohio; which was read twice and ordered to be engrossed and read a third time to-day.

Mr. ROBERTSON, of Louisiana, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to adjust the claims to lots in the town of Vincennes, and for the sale of the land appropriated as a common for the use of the inhabitants of the said town," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of the State of Pennsylvania, transmitting a certificate of the election of Jacob Hostetter, as a member of this House, in the place of Jacob Spangler, resigned; which was referred to the Committee of Elections.

Engrossed bills of the following titles, to wit:

An act to change the name of the district of Erie, in the State of Ohio; and An act to provide for the publication of the laws of the United States, and for other purposes, were severally read a third time and passed.

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An engrossed bill for the relief of George Pearson was read the third time and passed.

The bill from the Senate, entitled "An act limiting the time for claims being produced for lands authorized to be granted to the inhabitants of New Madrid," was read a third time and passed.

The bill from the Senate, entitled "An act to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office; and for designating the western boundary line of the Virginia military tract," was read the third time, and passed as amended.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act confirming the claim of Tobias Rheams to a tract of land granted to him by the Spanish Government," with amendments. They have also passed a bill, entitled "An act for the relief of Lemuel H. Osgood;" in which amendments and bill they ask the concurrence of the House.

The House then resolved itself into a Committee of the Whole on the bill to provide for paying to the State of Indiana three per cent. out of the net proceeds of the sales of the public lands in said State, to be expended in the construction of roads and canals within the same.

Mr. HENDRICKS made an unsuccessful motion to strike out a clause which imposed on the State of Indiana annual reports of the proceedings under the bill; but the Committee having risen and reported the bill, Mr. H. renewed his motion, which was then agreed to, and the bill ordered to be engrossed, as amended, and read a third time.

The following bills successively passed through Committees of the Whole House, and were severally ordered to be engrossed and read a third time, viz:

The bill for the relief of Sarah Dewees; the bill for the relief of Gad Worthington; the bill for the relief of Thomas and John Clifford, and others; the bill for the relief of Commodore John Rodgers; and the bill for the relief of certain friendly Creek Indians.

HONORS TO THE BRAVE.

Mr. CLAIBORNE, agreeably to the intimation which he had yesterday given, to submit a resolution for awarding to certain officers testimonials of the respect of Congress for their distinguished services, offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to cause gold medals to be struck, with suitable emblems and devices, and presented to Major General William Carroll and Brigadier General John Coffee, in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts during the late war, at Talashatchie, Taladega, Enotochopko, Emuckfaw, Tehopeka, and New Orleans.

Resolved, That the President be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Major General Joseph Desha, in testimony of the high sense entertained by Con-

gress of his gallantry and good conduct in the conflict of the river Thames, in Upper-Canada.

Mr. CLAIBORNE said he had not yesterday named General Desha, in the remarks he then made; it escaped his recollection at the moment; but that officer was well entitled to the notice of the House. General Desha, it would be recollected, had left his seat in Congress, in the Summer of 1813, when the Northwestern campaign was a subject of great anxiety, and joined the Northwestern army, as commander of a division of Kentucky troops, and to his intrepidity and good conduct was in a great degree owing the result of the battle on the Thames. On that occasion he occupied, with his division, a situation of imminent danger; and at a moment when the enemy pressed with great force on that part of the line, it was by General Desha's courage and example, and denouncing death to the first man that broke, that the ground was maintained, the tide of victory turned, and the day crowned with success. Mr. C. next turned to the services of Generals Carroll and Coffee, and enforced what he had yesterday said of them; by referring again to the various instances of the zeal, activity and bravery which had characterized their conduct, and which, under the Almighty, had saved the city of New Orleans from a ferocious enemy.

Mr. HARRISON said, that with regard to the conduct of General Desha, in the action on the Thames, he had mentioned it with approbation in his official report of the action, and he now repeated that he there performed his duty, and did everything that he could do. But, so did General Henry, who was third in command, whilst General Desha was fourth; they stand in that respect, perfectly on an equality.

Mr. H. moved, therefore, that the name of General William Henry be inserted in the second resolution. Mr. H. gave some explanations of the positions occupied by the two divisions in the action, and stated that it was the division of General Henry which occupied the front line, and was most pressed by the enemy; that of General Desha formed with it a right angle, and though less exposed, yet General Desha himself, he believed was at the point of junction where the fire was most heavy.

Mr. CLAIBORNE had not called to mind the particular circumstances of the affair, or doubtless he should have recollected the name of General Henry, and would have included him in the resolutions which he had offered. These were honorary rewards that cost the nation little, and he was always willing to bestow them upon gallant services. He had intended to propose swords on this occasion, but he found, by the precedents, that medals were more customary, though the cost of the latter was perhaps not less.

Mr. OGLE suggested a doubt whether, if these resolutions passed, it would not be proper also to seek out the meritorious officers of the Revolution. He had no objection to voting a medal to each of the gallant officers named, but protested against selecting the officers of the late army and passing by those of the Revolution, for, if the

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former merited one medal, those of the latter deserved two, and he moved that the subject be referred to the Military Committee, that resolutions might be reported conformably to his ideas; or at least that the distinguished officers of the Revolutionary Army might be included in these honorary rewards.

Mr. COLSTON, though feeling the highest respect for the officers mentioned, and for their eminent services, yet objected to these resolutions on the ground that it was neither customary nor proper, in voting these rewards, to go below the commander of an army who had to bear the disgrace of defeat, and who it was right should reap the rewards of success; that to pursue a different course would involve the necessity of awarding the same to numerous other cases, as there were at least fifty others who had rendered important services and were entitled to notice; and it was better to stop, or Congress would be overwhelmed with cases of this kind, &c. Mr. C. referred to the evils which he had witnessed in Virginia, of making these rewards too common; and referred to the circumstance of the Legislature of that State being called on to appropriate fifteen thousand dollars, at one time, for the purchase of medals, &c. which had been voted to gallant officers from that State. He had opposed the practice then, and felt himself bound, however high his sense of the merits of the distinguished officers in question, to do it here.

Mr. SMITH, of Maryland, said a few words to Mr. CLAIBORNE, to show that the vote of a gold medal had always been considered a higher honor than to bestow a sword, and that medals had, therefore, been generally given to the Commander-in-chief of an army, and swords to the inferior officers.

Mr. CLAIBORNE observed, in reply to Mr. COLSTON, that the services of the officer named in the first resolution were as important and valuable as those of any Commander-in-chief in the nation; and if these distinctions had been granted in numerous other instances, as he could show they had been, it was highly proper they should be in this case, particularly when some who had received the honor had not served so long, nor rendered services half so important as the officers he now brought forward in the first resolution. Mr. C. then referred, severally, to the resolutions voting thanks and medals to General Brown, to General Scott, to Generals Ripley, Miller, and Porter, to General Gaines, and to General McComb, accompanied by thanks to their officers and men, and relied on these resolutions to show that the honors of Congress had not been confined to the Commanders-in-chief, but, on the contrary, they were nearly all subordinate officers, and some not higher than the rank of Colonel. Generals Carroll and Coffee, if they had not the reputation of Commanders-in-chief, deserved the applause of saving a city from a merciless enemy, whose rallying words were "Beauty and Booty." Mr. C. adverted to the circumstances under which these officers received the news of the danger of New Orleans, and the great exertions which enabled

them to reach it in time. Coffee was returning home from the Creek war, with an exhausted army, when information of the danger of New Orleans reached him at Baton Rouge. With his exhausted men and worn down horses he instantly started for the scene of action. No rest did he permit himself, day or night, but hastened with a celerity unexampled and astonishing, and arrived just in time to save the city and win a conquest which will ever be regarded as a most important and most glorious one. Would the House deny to such men as these the poor and pitiful reward now proposed? Carroll had been twice wounded in the Creek war, and was called on, at a moment's warning, to repair to New Orleans. He hastily collected his troops, organized them for the field in less time than was ever known, and with a rapidity never witnessed before, by his unwearied exertions reached the city just in time to insure the victory and share in its glory. Mr. C. agreed to what had been said about the Revolutionary veterans, but hoped, if it was thought proper to reward them in this way, that gentlemen would bring them forward in a separate proposition, and he would cheerfully support it. If he asked for what was not given to others, turn them away. If he asked for what they did not deserve, turn them away. But if he asked for them what others had received, and which they deserved much more than some who had received this distinction, he hoped it would not be denied to them.

Mr. HOPKINSON made a few remarks to dissuade the House from adopting these resolutions. It was a painful task to urge this course; but, he said this House had no wealth to bestow; these honors were all it had to give; they ought, therefore, to be given sparingly, and not wasted. The honors of Congress ought not to be given, he said, for fidelity, for diligence, and bravery, because these were to be expected, and belonged to every American officer; but were intended for some signal action above all, to be rewarded above all. Instead of confining these marks of distinction to proper occasions, all history did not furnish as many of them as the history of this country for the last two or three years, and the practice was so common that it would cease to be any distinction at all. Mr. H. did not make these objections from any insensibility to the gallant services of the officers referred to by Mr. CLAIBORNE; but, besides his opposition on national grounds, he thought that delicacy towards these officers themselves ought to forbid the passage of the resolutions. It was now three years since the close of the war, and the public would ask why these officers had not received this reward before; why, for the first time, they were brought forward at this late day? And, after being so long neglected, might not the proceeding now be imputed to personal favor? Mr. H. concluded by moving that the resolutions lie on the table.

Mr. POINDEXTER hoped that the motion to lay the resolutions on the table would be withdrawn, that the two resolutions might be separated and the sense of the House taken on each by itself.

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The subjects of the Northwestern and of the Southern officers ought, he thought, to be introduced separately, and then gentlemen in the House, acquainted personally with the officers in the two armies, could speak of them, respectively, from their own knowledge. He supported the propriety of adopting these resolutions by referring to the votes of thanks, &c., which had been passed at this very session, and the sword which only yesterday was awarded to a gallant officer. To reject the cases now before the House, under those circumstances, would be invidious as well as unjust.

Mr. RHEA hoped the resolutions would not be laid on the table. Had they not been brought forward at all this session he should have been satisfied, because the reputation of these gallant men was too well secured to make this distinction necessary; but as the resolutions had been offered he was anxious they should not be rejected. These brave men did not rest when they were going on the floods to meet the enemies of their country, and he hoped the resolutions for rewarding them would not be allowed to rest on the table, but would be adopted.

Mr. HARRISON again rose to bear testimony to the gallant services of the gentlemen of the Northwestern army, and took the opportunity of expressing briefly his sense of the distinguished honor which he had recently himself received at the hands of Congress—a reward more dear to him than any other that could be conferred on him, but which he must look on as due to the gallant army which he had the honor to command rather than to his merits, &c.

After some further opposition by Mr. CLAIRBORNE to laying the resolution on the table, the question was taken on that motion and carried—ayes 58, noes 54.

FRIDAY, April 3.

Mr. SEYBERT reported a bill to establish a port of entry and delivery, at Cape Vincent, at the fork of Lake Ontario and the head of the river St. Lawrence; which was read twice and ordered to be engrossed and read a third time to-morrow.

Mr. SEYBERT also reported a bill, declaring the consent of Congress to an act of the State of Georgia, passed the 10th of December, 1817, "to establish the fees of the harbor-master and health officer of the port of Darien;" which was read twice and ordered to lie on the table.

Mr. SEYBERT also reported a bill to abolish the port of delivery established at the mouth of Slade's Creek, in the State of North Carolina; which was read twice and ordered to be engrossed and read a third time to-morrow.

Mr. TUCKER, of Virginia, from the committee on so much of the public accounts and expenditures as relates to the public buildings, made a report; which was read and ordered to lie upon the table.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the

bill from the Senate, entitled "An act for the relief of Michael Hogan," reported the same with an amendment; which was read, and, together with the bill, committed to a Committee of the Whole to-morrow.

Mr. SCOTT, from the Committee appointed on the 16th ultimo, by leave of the House, reported a bill to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; which was read twice and committed to a Committee of the Whole.

The amendment proposed by the Senate to the bill, entitled "An act confirming the claim of Tobias Rheams to a tract of land granted him by the Spanish Government," was read, and concurred in by the House.

Engrossed bills of the following titles, to wit: An act for the relief of Sarah Dewees, relict and widow of William Dewees, deceased, and the heirs and legal representatives of the said William Dewees; An act for the relief of Gad Worthington; An act for the relief of the houses of Thomas and John Clifford, Elisha Fisher and Company, Thomas Clifford and Son, and Thomas Clifford, of Philadelphia, and Charles Wirgman, of Baltimore; An act for the relief of John Rodgers; and An act for the relief of certain friendly Creek Indians; were severally read the third time, and passed.

The bill from the Senate for the relief of Lemuel H. Osgood, was read twice, and referred to the Committee of Claims.

The bill from the Senate, to provide for paying to the State of Indiana three per cent. of the net proceeds arising from the sales of the United States lands within the same, was read a third time, as amended, and passed.

The House resolved itself into a Committee of the Whole, on the bill from the Senate "directing the manner of appointing Indian agents, and continuing the act for establishing trading-houses with the Indian tribes;" and, after some debate, the bill was ordered to be read a third time to-morrow.

The House then resolved itself into a Committee of the Whole, on the bill for the relief of Loring Austin; which gave rise to much debate.

The bill proposes to relieve Major Austin from the effects of a prosecution against him for false imprisonment, in a case in which, by orders from General Pike that he was bound to obey, he seized certain persons at Ogdensburg, suspected of treasonable practices with the enemy. After the debate the bill was reported to the House, and ordered to be engrossed.

The bill for the relief of Major General Jacob Brown, and the bill for the relief of George R. Wells, passed through the same committee, and were ordered to be engrossed for a third reading.

MILITIA PAY—SEMINOLE WAR.

Mr. COBB submitted for consideration the following resolution:

"Resolved, That the Committee on Military Affairs

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be instructed to inquire into the expediency of increasing the pay of the militia now in the service, or which may hereafter be called into the service of the United States, in the war now prosecuting against the Seminole tribe of Indians, and of affording additional pay to those who have been in service in said war, and have been discharged."

Mr. C. observed, that an apology was due to the House for offering this resolution at such a late day in the session; the apology he should make was, that he had understood this measure had been introduced early in the session in the Senate; from causes unknown to him, that body had not yet acted upon it.

Mr. C. further observed, that if he recollected correctly the published arguments which were urged for retaining the number of ten thousand men upon the Peace Establishment of the Army, one was that, out of that number, a sufficient force could at all times be commanded to put an end to any Indian war which might happen, without calling upon the militia; yet an Indian war had happened, which one of the General officers of the United States had chosen emphatically to call a little war; to terminate which, a militia force of at least four thousand men had been called into service. It was not for him to give reasons for this procedure. There were at this time in service at least three thousand men of the Georgia and Tennessee militia. They had been called out at a season of the year, above all others, of the most consequence to them; for that they would be in service just long enough to deprive them of the opportunity of making a crop upon their farms. In addition to this he would observe, that a more inclement season had hardly ever been witnessed in that part of the country where the militia were. If his information was correct, they had been exposed to incessant rains, from the time they were imbedded until he last heard from them. But this was not all—they had been starved. He had understood and believed that the Tennessee militia, after having entered the nation, were compelled to return to their settlements in Georgia in order to be subsisted; and that the Georgia militia had been reduced to an allowance of a half a pint of corn a day. To whom the blame of this state of things was to be attached he would not say; but he thought that persons suffering such hardships and privations were entitled to a greater compensation than the pitiful sum of five dollars per month. He thought that the House would agree with him, that not less than double that sum would be but a poor reward to men thus situated. He was of opinion that, had the militia been properly fed and attended to, they would not have complained, or cared for the trifling pay now allowed them by law. But he thought the Government ought at least to increase the weight of their pockets, after failing to afford them food. He concluded by saying, he had offered these observations with the motive of inducing the House, not only to adopt the resolution he had offered, but speedily to adopt any measure founded on it. The motion was agreed to.

SATURDAY, April 4.

Mr. THOMAS M. NELSON presented a memorial of Brigadier General Daniel Parker, Adjutant and Inspector General of the Army of the United States, containing an explanation of the circumstances attending his certificate of the authenticity of the signature of Colonel Isaac Clark, late of the Army, which, subsequently proved to be a forgery; which certificate has been made the subject of animadversion in the report of the committee appointed to inquire into the conduct of clerks and other officers of Government.—Laid on the table.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, to which was committed the bill from the Senate, entitled "An act for the relief of the heirs of Landon Carter," reported the same with an amendment; which was read, and, together with the bill, committed to the Committee of the Whole, to which is committed the bill for the relief of Cornelia Mason.

Mr. RHEA also reported the bill from the Senate, entitled "An act for the relief of Samuel Ward," without amendment, and the bill was committed to a Committee of the Whole.

Mr. POINDEXTER, from the Committee on Private Land Claims, to which was committed the amendment proposed by the Senate to the bill, entitled "An act for the relief of Daniel Burnett, Gibson Clark, and the legal representatives of Hubert Rowell," reported their agreement to the said amendment with an amendment; which was read, and, together with the bill, ordered to lie on the table.

Mr. STROTHER, from the Committee for the District of Columbia, to which was referred the bill from the Senate, entitled "An act supplemental to the act, entitled 'An act further to amend the charter of the City of Washington,'" reported the same with an amendment; which was read, and, together with the bill, committed to a Committee of the Whole.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill to increase the pay of the militia while in actual service, and for other purposes; which was read twice, and ordered to lie on the table.

Mr. BLOUNT, from the Committee on the Post Office and Post Roads, reported a bill to establish and alter post roads; which was read twice, and committed to a Committee of the Whole.

Mr. SERGEANT, from the select committee, to whom was referred a resolution of the 13th February, and a memorial from a number of the citizens of Philadelphia, respecting the imprisonment of Richard W. Meade, made a report, comprising a general view of the case; and concluding with the recommendation of a resolution, that this House will support the Executive in all proper measures which he may take to procure the release of Mr. Meade from confinement.

The report was read, and ordered to lie on the table, and be printed.

Mr. PITKIN, from the joint committee appointed to examine and report what business is neces-

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sary to be done by Congress previous to the adjournment of the present session, made a report; which was read, and ordered to lie on the table.

On motion of Mr. TAYLOR, the Secretary for the Department of the Navy was instructed to report to this House, during the first week of the next session of Congress, a particular statement of the expenditure of the appropriations made by an act rewarding the officers and crew of the frigate Constitution; and the officers and crew of the Wasp, passed March 3d, 1813; also, by an act to reward the officers and crew of the sloop of war Hornet, and Lieutenant Elliot, and his officers and companions, passed July 13th, 1813; also, by an act authorizing the purchase of the vessels captured on Lake Erie, passed 18th April, 1814; also, by an act authorizing the purchase of vessels captured on Lake Champlain, passed March 3d, 1815; also, by an act rewarding the officers and crew of the sloop of war Hornet, for the capture and destruction of the British sloop of war Penguin, passed February 28th, 1816; and also by an act providing for the distribution of \$100,000, among the captors of the Algerine vessels captured and restored to the Dey of Algiers, passed April 27th, 1816; designating the names of the prize agents appointed under the several acts, and the payments by them respectively made, specifying the time when, and persons to whom the same may have been made, and the balances, if any, remaining in their hands unexpended.

On motion of Mr. SLOCUMB, the Secretary for the Department of War was directed to prepare and report to this House, at the next session, a system providing for the abolition of the existing Indian trading establishments of the United States, and providing for the opening of the trade with the Indians to individuals, under suitable regulations.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Michael Jones;" in which they ask the concurrence of this House.

The said bill was read twice, and referred to the Committee on the Public Lands.

Mr. BASSETT, from the Committee on the Public Buildings, made a report, stating the probability of the wings of the Capitol being completed for the use of Congress before the next session, but the deficiency of the wings in committee rooms, and recommending the erection of a temporary building for that purpose, until the centre building of the Capitol shall be erected.

Mr. LIVERMORE submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States, be proposed to the Legislatures of the several States, which, when ratified by three-fourths of the said States, shall be valid to all intents and purposes, as a part of the said Constitution:

"No person shall be held to service or labor as a slave, nor shall slavery be tolerated in any State hereafter

admitted into the Union, or made one of the United States of America."

The resolution was read, and, on the question of proceeding to its consideration, it was decided in the negative.

Mr. SMITH, of Maryland, laid on the Clerk's table two acts of the Parliament of Great Britain, one, entitled "An act to consolidate and extend the several laws now in force, for allowing the importation and exportation of certain goods and merchandise into, and from, certain ports in the West Indies," passed the 27th June, 1805; the other, entitled "An act to permit the importation of rice, grain, and flour, from any foreign colonies on the continent of America, into certain ports in the West Indies, and to allow certain articles to be imported from the United States of America into the British provinces of North America, for the purpose of exportation to the British islands in the West Indies," passed on the 30th of June, 1805; which were ordered to be printed for the use of the members of Congress.

The SPEAKER laid before the House a report of the Secretary of State on the petition of Jonathan Elliot; which was read, and ordered to lie on the table.

The bill from the Senate, directing the appointing Indian agents, &c., was read the third time, and passed.

The engrossed bills for the relief of Major General Jacob Brown; to establish a port of entry at Cape Vincent, at the fork of Lake Ontario and the River St. Lawrence; to abolish the port of delivery established at the mouth of Slade's creek, in North Carolina; for the relief of Loring Austin; and for the relief of George R. Wells;—were severally read the third time and passed.

A message from the Senate informed the House that the Senate disagree to the amendment proposed by this House to the bill, entitled "An act to provide for paying the State of Indiana three per cent. of the net proceeds arising from the sales of the United States' lands within the same." They have passed bills of this House, entitled "An act making appropriations for the support of Government for the year 1818;" and "An act for the relief of Narcissus Broutin and others;" with amendments. They have also passed a bill, entitled "An act concerning navigation;"—in which amendments and bill they ask the concurrence of this House.

The bill from the Senate, entitled "An act concerning navigation," was read twice, and referred to the Committee of the Whole, to which is committed the bill supplementary to the act regulating the duties on imports and tonnage, passed the 27th April, 1816.

The amendment proposed by this House, to the bill from the Senate, entitled "An act to provide for paying to the State of Indiana three per cent. of the net proceeds, arising from the sales of the United States lands within the same," and to which the Senate have disagreed, was read; when, Mr. HENDRICKS moved that this House insist on the said amendment. This motion was rejected; and the question was taken, Will the

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House recede from their said amendment? and passed in the affirmative.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of Narcissus Broutin and others," were read and concurred in by the House.

The amendments of the Senate to the general appropriation bill were considered in a Committee of the Whole, agreed to by the committee, and concurred in by the House.

The bill for the relief of John Anderson passed through a Committee of the Whole, and was ordered to a third reading.

STATE OF ILLINOIS.

The House resolved itself into a Committee of the Whole on the bill to enable the people of Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on a footing with the original States.

Mr. POPE moved to amend the bill by striking out the lines defining the boundaries of the new States, and to insert the following:

"Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana to the northwest corner of said State; thence east with the line of the same State to the middle of Lake Michigan; thence north along the middle of said lake to north latitude 42 deg. 30 minutes; thence west to the middle of the Mississippi river; and thence down along the middle of that river to its confluence with the Ohio river; and thence up the latter river along its northwestern shore to the beginning."

The object of this amendment, Mr. P. said, was to gain, for the proposed State, a coast on Lake Michigan. This would afford additional security to the perpetuity of the Union, inasmuch as the State would thereby be connected with the States of Indiana, Ohio, Pennsylvania, and New York, through the Lakes. The facility of opening a canal between Lake Michigan and the Illinois river, said Mr. P., is acknowledged by every one who has visited the place. Giving to the proposed State the port of Chicago, (embraced in the proposed limits,) will draw its attention to the opening of the communication between the Illinois river and that place, and the improvement of that harbor. It was believed, he said, upon good authority, that the line of separation between Indiana and Illinois would strike Lake Michigan south of Chicago, and not pass west of it, as had been supposed by some geographers who had favored us with maps of that country; and, Mr. P. added, that all the country north of the proposed State, and bounded by Lakes Michigan, Huron, Superior, and of the Woods, and the Mississippi river, must form but one State, Congress being restricted, by the ordinance of 1787, from erecting more than five States in the Northwestern Territory.

This motion was agreed to without a division.

Mr. POPE then moved further to amend the bill, by striking out that part which appropriated the State's proportion of the proceeds of the sales of the public lands to the construction of roads

and canals in said State, and to insert the following:

"For the purposes following, viz: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State; the residue to be appropriated by the Legislature of the State for the encouragement of learning, of which one — part shall be exclusively bestowed on a college or university."

Mr. P. said, that the fund proposed to be applied for the encouragement of learning had, in the other new States, been devoted to roads; but its application had, it was believed, not been productive of the good anticipated; on the contrary, it had been exhausted on local and neighborhood objects, by its distribution among the counties, according to their respective representation in the Legislature. The importance of education in a Republic, he said, was universally acknowledged; and that no immediate aid could be derived in new counties from waste lands was not less obvious; and that no active fund would be provided in a new State, the history of the Western States too clearly proved. In addition to this, Mr. P. said, nature had left little to be done in the proposed State of Illinois, in order to have the finest roads in the world. Besides, roads would be made by the inhabitants as they became useful, because the benefits are immediate; but not so with endowments to schools. The effects of these institutions were too remote. Nor would the interest of the United States be impaired by this plan. The land on the roads was generally private property before the opening of the road; and the benefit resulting to the United States from the stipulation would be found alone in the exemption from taxation, for five years, of lands sold in the State.

This motion was also agreed to without a division; and after receiving some further amendments, the most important of which was one moved by Mr. TAYLOR, to exempt the soldiers' bounty lands in the State from taxation for three years—

The Committee rose and reported the bill to the House, and it was ordered to be engrossed, as amended, and read a third time, *nemine contradicente*.

INTERNAL IMPROVEMENT.

The House took up and proceeded to consider the resolutions reported by the Committee on Roads, Canals, and Seminaries of Learning; and the said resolutions being amended to read as follows, to wit:

Resolved, That the Secretary of War be instructed to report to this House, at the ensuing session of Congress, a plan for the application of such means as are within the power of Congress, to the purpose of opening and constructing such roads and canals, as may deserve and require the aid of Government, with a view to military operations in time of war; the transportation of munitions of war; and the more complete defence of the United States; and also, a statement of the works of the nature abovementioned, which have been commenced; the progress which has been made; and the means and prospect of their completion; and, together with such information, as in the

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opinion of the Secretary, shall be material in relation to the objects of this resolution.

Resolved, That the Secretary of the Treasury be instructed to prepare and report to this House, at their next session, a plan for the application of such means as are within the power of Congress, to the purpose of opening and improving roads, and making canals; together with a statement of the undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of the Government; and, also, a statement of works of the nature abovementioned which have been commenced; the progress which has been made in them; the means and prospect of their being completed; the public improvements carried on by States or by companies, or incorporations which have been associated for such purposes, to which it may be deemed expedient to subscribe or afford assistance; the terms and conditions of such associations and the state of their funds, and such information, as, in the opinion of the Secretary shall be material in relation to the objects of this resolution.

The question was taken to agree to the said resolutions, and passed in the affirmative—yeas 76, nays 57, as follows:

YEAS—Messrs. Abbott, Anderson of Kentucky, Bateman, Bayley, Campbell, Cobb, Comstock, Crawford, Cruger, Cushman, Darlington, Ellicott, Floyd, Forsyth, Gage, Hasbrouck, Hendricks, Herkimer, Herick, Hitchcock, Holmes of Massachusetts, Holmes of Connecticut, Hopkinson, Irving of New York, Johnson of Kentucky, Kinsey, Linn, Little, Livermore, Lowndes, W. P. Maclay, Marchand, Mason of Massachusetts, Miller, Mumford, Murray, J. Nelson, Ogden, Ogle, Owen, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Rich, Robertson of Louisiana, Rogers, Savage, Schuyler, Sergeant, Seybert, Shaw, Sherwood, Simkins, Slocumb, B. Smith, Speed, Spencer, Stewart of North Carolina, Stuart of Maryland, Tallmadge, Tarr, Taylor, Terrill, Trimble, Tucker of Virginia, Upham, Walker of Kentucky, Wallace, Wendover, Westerlo, Whiteside, Wilkin, Wilson of Pennsylvania.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Austin, Ball, Barber of Ohio, Bassett, Bennett, Blount, Bodon, Boss, Burwell, Butler, Claggett, Cook, Crafts, Culbreth, Desha, Drake, Earle, Edwards, Folger, Garnett, Hale, Hall of North Carolina, Hogg, Hunter, Huntington, Johnson of Virginia, Kirtland, McCoy, Mason of Rhode Island, Merrill, H. Nelson, T. M. Nelson, Pitkin, Pleasants, Poindexter, Rhea, Rice, Richards, Ruggles, Sampson, Sawyer, Scudder, Settle, Silsbee, J. S. Smith, Strother, Tompkins, Townsend, Tucker of South Carolina, Tyler, Whitman, Williams of New York, Williams of North Carolina, and Wilson of Massachusetts.

ORGANIZATION OF THE ARMY.

The House resolved itself into a Committee of the Whole, on the bill respecting the organization of the Army, and for other purposes; and on the bill for the relief of John Work; and, after some time spent therein, the Committee reported the first-mentioned bill with amendments, and the last-mentioned bill without amendment.

The said amendments were read, and the first thereof concurred in, and the last rejected by the House.

Mr. T. M. NELSON then moved further to amend the said bill by inserting therein the following, as the fifth section thereof, viz:

SEC. 5. And be it further enacted, That those soldiers who enlisted for and during the late war with Great Britain, and who served faithfully until the termination thereof was announced by the Proclamation of the President of the United States, shall be entitled to the bounty land which they would have been entitled to, had they obtained an honorable discharge.

And, on the question to agree to this section, it was determined in the negative.

The said bill was then further amended, and ordered to be engrossed and read a third time on Monday next.

The bill for the relief of John Work was ordered to be engrossed and read a third time on Monday next.

HISTORY OF CONGRESS.

On motion of Mr. SERGEANT, the House proceeded, by a vote of 60 to 58, to consider the report of the Committee of the Whole on the bill authorizing a subscription (of one thousand copies) to the History of Congress, proposed to be undertaken by Gales & Seaton.

The House having refused to concur with the Committee of the Whole, in striking out the first section of the bill, Mr. S., with a view of removing the objections made by some gentlemen to the bill in its present shape, moved to add to the first section the following proviso:

Provided, further, That, before receiving any payment on account of said work, the publishers shall enter into bond in a penalty of twenty thousand dollars, with security to be approved by the First Comptroller, that the said work shall not exceed ten volumes in extent, to be brought up to the end of the second session of the fourteenth Congress, and shall be completed within ten years from the day on which the first payment on account thereof is demanded: *And provided, also*, That nothing in this act contained shall be construed to preclude Congress from rescinding their subscription to the said work, whenever it shall to them seem expedient.

This amendment was agreed to without a division; when Mr. HITCHCOCK moved to reduce the subscription from one thousand to one hundred copies; which motion he afterwards modified, by moving two hundred and fifty.

This motion was opposed by Mr. SERGEANT, because, he argued, it would be equivalent to a rejection of the bill; as the great labor of the compilation, the expense of preparing the work for the press, the expense of printing volumes of the magnitude proposed, &c., could not be undertaken without aid from Congress, to the extent proposed by the select committee; and because a work of this nature could not depend on private subscription, &c. Mr. S. also enforced and enlarged on the national importance of the work proposed, as well as its importance to Congress in its legislative business, &c.; in which he was supported by Mr. SIMKINS, Mr. JOHNSON of Kentucky, and Mr. LIVERMORE.

The bill was opposed earnestly by Mr. PITKIN, Mr. HITCHCOCK, and Mr. BUTLER, principally on the ground of the expense, and the unimportance of the work compared with that expense.

Mr. HITCHCOCK's motion to reduce the num-

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ber of copies to be subscribed for was agreed to—ayes 74, noes 56—when, on motion by Mr. BASSETT, the bill was ordered to lie on the table.

MONDAY, April 6.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, made a report on the petition of Seth Sprague, accompanied by a bill for his relief; which was twice read, and committed.

Mr. WILLIAMS, from the Committee of Claims, reported the bill from the Senate, for the relief of Lemuel H. Osgood, without amendment, and the bill was ordered to a third reading.

Mr. LOWNDES, from the Committee of Ways and Means, to whom was referred an inquiry into the expediency of authorizing the President of the United States to distribute an additional sum among the assessors of the United States, made a report adverse to such a measure; which was read, and ordered to lie on the table.

Mr. SPENCER, from a select committee, made a report on the petition of John Daily and Samuel Thompson, accompanied by a bill for their relief; which was twice read, and committed.

The House took up and proceeded to consider the report of the Committee of Ways and Means, of the 19th of February last, on the petition of Mary Graeff; and the resolution therein contained was read, and is as follows:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. SERGEANT moved to amend the resolution, so as to make it read—

Resolved, That the prayer of the petitioner is reasonable and ought to be granted, and that the Committee of Ways and Means be instructed to report a bill to that effect.

The question being taken so to amend the resolution, it passed in the affirmative.

The House took up and proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act for the relief of Daniel Burnett, Gibson Clark, and the legal representatives of Hubert Rowell;" and the amendment proposed by the Committee on Private Land Claims to the said amendment being read, Mr. POINDEXTER, the acting chairman of the said committee withdrew the said amendment; and the amendment proposed by the Senate to the said bill was then concurred in by the House.

Engrossed bills of the following titles, to wit: An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; An act for the relief of John Anderson; An act for the relief of John Work; and, An act respecting the organization of the Army and for other purposes, were severally read the third time, and passed.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting the proceedings of the court martial held for the trial

of Franklin Wharton, Lieutenant Colonel of Marines; which was read, and ordered to lie on the table.

On motion of Mr. FORSYTH, the Committee of Ways and Means were instructed to inquire into the expediency of limiting the allowance of drawback of duties upon merchandise, to merchandise imported into the United States, and exported therefrom in American vessels.

The bill to continue in force the act relating to settlers on the public lands; the bill for the relief of Benjamin Birdsall and Wm. S. Foster; and the bill for the relief of Frederick Brown, severally passed through a Committee of the whole House, and were ordered to be engrossed for a third reading.

NAVAL AFFAIRS—COURTS MARTIAL.

The House proceeded to the consideration of the following report made by the naval committee on the first instant.

The Committee on Naval Affairs, to whom were referred a resolution, instructing them to inquire whether any, and, if any, what alterations are necessary and proper to be made in the several laws relating to the government of the Navy; also, the proceedings of certain courts martial lately held in the Mediterranean, for the trials of Captain Oliver H. Perry, Captain John Heath, and Captain John O. Creighton; also the memorial of certain midshipmen belonging to the Mediterranean squadron, addressed to the President of the United States, report:

The committee have examined the several subjects referred to them, and are of opinion, that the general regulations for the government of the Navy do not require to be changed. With a view of ascertaining whether the circumstances which lately transpired in the Mediterranean, have grown out of a defect in the law, or the administration of the law, the committee, after an attentive consideration of the law, and of the several cases determined under it, think the defect is not in the law. Their attention has been particularly drawn to the 3d, 14th and 30th sections of the act "for the better government of the Navy of the United States." The 3d section of the said act is in the following words: "Any officer, or other person in the Navy, who shall be guilty of oppression, cruelty, &c., shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge," &c. The 14th section of the said act, is in the following words: "No officer or private in the Navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict." The 30th section of said act is in the following words: "No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him otherwise than by a suspension or confinement, &c., any commanding officer offending therein, shall be punished at the discretion of a court martial." It will be observed, that the punishment denounced against an inferior officer for striking, &c., his superior, may be death or such other punishment as a court martial may adjudge; whilst for a similar offence committed by a superior officer against an inferior, the punishment is such as the discretion of a court martial may award. In these two articles, such an inequality of

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punishment, is supposed by many to exist, as to call for a change of the law. This impression did not escape the attention of the committee; but, on mature reflection, they were led to doubt the propriety of the opinion—striking, drawing weapons, &c., on the part of inferiors against superiors, in military bodies, carries along with it the idea of insubordination and mutiny; under such circumstances no military body can exist, or if it exist at all, it must be to purposes worse than useless. It is believed, that at all times, and in all nations, who had correct ideas of military discipline, the power to punish mutiny with death, has been vested in their military tribunals; nor do they think it could be dispensed with in this Government; for they believe the principle to be correct, that in free governments, the rigor of military discipline is as necessary, perhaps more so, as under governments of a different character; and it is a circumstance well understood, that persons going into military service, part for the time with a portion of their civil rights. The committee are of opinion, that it would be inexpedient to change this part of the naval regulations.

Their attention was next drawn to the opposite view of the question. Oppression, and striking inferiors by superiors, are punishable; the first, by cashiering, or such other punishment as a court martial shall adjudge; the second, at the discretion of a court martial. This part of the subject having given rise to the late occurrences among the officers in the Mediterranean, claimed and received the undivided attention of the committee. They examined the propriety of fixing some definite punishment in these cases; such as a suspension for a certain length of time, below which, no court martial should be at liberty to go, in adjudging the penalty to be awarded for a commission of the offence. But, on mature consideration, difficulties, which the committee considered as great, if not insuperable, were believed to attend such a provision. Let us suppose that such is the law; when the case comes to be examined, it is found that a number of circumstances exist, which reduce the offence to almost nothing; or on the other hand, circumstances are discovered of a character so aggravated, as to give it a very different complexion. Let us take, by way of illustration, the two cases of Captain Perry and Captain Creighton, both now under the consideration of the committee; in the former, the committee see circumstances of a character which, in their opinion, would have justified a much more rigorous sentence of the court martial towards that officer, as high and deserved a favorite of his country as he was, and it is with no small regret, that the committee feel it their duty to express the opinion. On the other hand, for a charge in part of a similar character, the charge of striking Midshipman Marston by Captain Creighton, they see nothing of sufficient importance to have attracted attention. Thus situated, numberless shades of difference attending almost every case which can be supposed to occur, the committee believe that fixing by law a minimum punishment, if it were of sufficient magnitude to have any effect, would be improper. The committee think a reference to our civil trials will illustrate this part of the subject. Thus in the trial by jury, that body exercise an entire discretion, in all actions of assault and battery, &c., and graduate the penalty to the offence, according to the circumstances of each case. It is also in accordance with the mild character of the criminal codes of most of the States composing this Union, in which a scale of punishment is graduated

according to the degree of offence. The committee know, that where the law can be defined with propriety, the discretion of no tribunal whatever ought to be as much relied on, as proper legal definitions. They have stated the difficulties which presented themselves, and which they find of such a character as to induce them to consider a change inadvisable. The committee also state, that it would be with much reluctance they would relinquish their confidence in courts martial, composed of officers whose conduct had so justly merited the confidence of their country.

The committee are aware, that in examining the conduct of the courts martial referred to them, the path of their duty led over very delicate ground. They know, that no law which they could recommend would operate otherwise than prospectively; and also, that they have no power to reverse or unsettle the decisions; but these proceedings having been referred to them, as connected with the subject of the inquiry, that inquiry having, in fact, grown out of them; they have thought it right to express the opinion they have done. Indeed, the body to which the committee belong, and who have charged them with the inquiry, constitute the grand inquest of the nation, whose duty it is, on proper occasions, to inquire into the conduct of the highest officers of the Government.

The committee then, taking into consideration all the circumstances of the cases referred to them, trusting that the officers of the Navy, to whom are confided the important duties intrusted to courts martial; with a due regard to the laws of their country, ever to be held sacred by those intrusted with their execution, and constituting the only criterion between free and despotic Governments, will exert themselves to heal the wounds, with which the discipline of the Navy has been at least threatened; a discipline, so admirable in itself, and which was not known to exist till its effects were witnessed by the world, and which, once lost, the Navy itself would be a useless burden on the community. The committee, trusting these highly important considerations will have their due and proper weight, conclude, by recommending to the House the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the several subjects referred to them.

After the foregoing report was read, on Wednesday last, Mr. JOHNSON of Virginia, moved to recommit it to the Committee on Naval Affairs, with instructions "so to amend the act, entitled 'An act for the better government of the Navy of the United States,' (approved April, 1800,) as to subject the superior officer, who shall strike or draw, or offer to draw, or raise any weapon against his inferior officer, to a forfeiture of his commission, and dismissal from the service."

This motion coming up now for decision, Mr. JOHNSON spoke with much earnestness, and at some length in support of it; when, the question being taken thereon, it was decided in the negative; and the resolution recommended by the Committee was then agreed to, and the Committee discharged from the further consideration of the subject accordingly.

PUBLIC BUILDINGS.

The House then went into Committee on the bill to provide for erecting additional buildings for the accommodation of the Executive De-

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partments, and the bill making appropriations for the public buildings, and for furnishing the Capitol and President's House.

Much time was occupied in maturing the details of these bills, and in discussing the various sums with which it was proposed to fill the blanks. Among the motions to amend the bill, was one to have the additional public offices erected near the Capitol, which was negated without a division.

After having gone through these bills, they were reported to the House, and various other amendments were proposed, and variously decided, after a good deal of debate; on some of which the yeas and nays were called for, and were twice taken, and once or twice refused.

On the question to concur with the Committee of the Whole in their amendment to fill the blank in the bill attached to the following item: "For furnishing the Representative Chamber and Committee Rooms," with the sum of thirty thousand dollars, the vote stood thus—yeas 74, nays 68, as follows:

YEAS—Messrs. Allen of Massachusetts, Allen of Vermont, Baldwin, Barber of Ohio, Bassett, Bayley, Bloomfield, Clagett, Cobb, Colston, Comstock, Crafts, Crawford, Cruger, Darlington, Edwards, Ervin of South Carolina, Folger, Forney, Forsyth, Herbert, Herkimer, Holmes of Massachusetts, Holmes of Connecticut, Hopkinson, Hubbard, Huntington, Irving of New York, Johnson of Virginia, Kinsey, Kirtland, Little, Lowndes, W. P. Maclay, Middleton, Miller, Moseley, Mumford, Jeremiah Nelson, Ogden, Owen, Parrott, Pawling, Peter, Pindall, Pitkin, Pleasants, Poindexter, Rhea, Rice, Rich, Richards, Ringgold, Robertson of Louisiana, Ruggles, Sawyer, Schuyler, Sergeant, Settle, Seybert, Silsbee, Simkins, Slocumb, Speed, Stewart of North Carolina, Taylor, Terrill, Terry, Tompkins, Tyler, Wendover, Westerlo, Whitman, and Wilson of Pennsylvania.

NAYS—Messrs. Adams, Austin, Ball, Barbour of Virginia, Bennett, Blount, Boden, Boss, Butler, Campbell, Culbreth, Desha, Drake, Earle, Ellicott, Floyd, Garnett, Hale, Hall of Delaware, Hall of North Carolina, Hasbrouck, Hendricks, Herrick, Heister, Hitchcock, Hogg, Hunter, Johnson of Kentucky, Lawyer, Linn, Livermore, W. Maclay, McCoy, Marchand, Merrill, Moore, Morton, Murray, H. Nelson, T. M. Nelson, Ogle, Palmer, Patterson, Porter, Quarles, Rogers, Sampson, Savage, Scudder, Shaw, Sherwood, S. Smith, Bal. Smith, J. S. Smith, Spencer, Strong, Tallmadge, Tarr, Tucker of South Carolina, Walker of North Carolina, Walker of Kentucky, Wallace, Whiteside, Williams of Connecticut, Williams of New York, Williams of North Carolina, Wilkin, and Wilson of Massachusetts.

The question was then stated to concur with the Committee of the Whole, in their amendment to fill the blank in the said bill attached to the following item, to wit: "For furnishing the President's House," with the sum of forty thousand eight hundred and seventy-nine dollars. And being taken, it was determined in the negative—yeas 52, nays 90, as follows:

YEAS—Messrs. Allen of Vermont, Baldwin, Barber of Ohio, Bassett, Bayley, Bloomfield, Colston, Cruger, Drake, Ervin of South Carolina, Folger, Forsyth,

Herbert, Hopkinson, Irving of New York, Kinsey, Kirtland, Little, Livermore, Merrill, Middleton, Miller, Moseley, Mumford, Ogden, Palmer, Parrott, Peter, Pindall, Pleasants, Poindexter, Rhea, Rich, Richards, Ringgold, Ruggles, Sawyer, Schuyler, Sergeant, Settle, Seybert, Simkins, S. Smith, Tallmadge, Taylor, Terrill, Terry, Wendover, Westerlo, Whitman, Wilkin, and Wilson of Massachusetts.

NAYS—Messrs. Adams, Allen of Massachusetts, Austin, Ball, Barbour of Virginia, Bateman, Bennett, Blount, Boden, Boss, Butler, Campbell, Clagett, Cobb, Comstock, Crafts, Crawford, Culbreth, Darlington, Desha, Earle, Edwards, Ellicott, Floyd, Forney, Gage, Garnett, Hale, Hall of Delaware, Hall of North Carolina, Hasbrouck, Hendricks, Herkimer, Herrick, Heister, Hitchcock, Hogg, Holmes of Mass., Holmes of Connecticut, Hubbard, Hunter, Huntington, Johnson of Virginia, Lawyer, Linn, Lowndes, W. Maclay, W. P. Maclay, McCoy, Marchand, Moore, Morton, Murray, Jeremiah Nelson, H. Nelson, T. M. Nelson, Ogle, Owen, Patterson, Pawling, Pitkin, Porter, Rice, Robertson of Louisiana, Rogers, Sampson, Savage, Scudder, Shaw, Sherwood, Silsbee, Slocumb, Bal. Smith, J. S. Smith, Speed, Spencer, Stewart of North Carolina, Strong, Tarr, Tompkins, Tucker of South Carolina, Tyler, Walker of North Carolina, Walker of Kentucky, Wallace, Whiteside, Williams of Connecticut, Williams of New York, Williams of North Carolina, and Wilson of Pennsylvania.

The said blank was then filled with \$30,000.

The question was then stated to concur with the Committee of the Whole in their amendment to fill the blank in the said bill, attached to the following item, to wit: "For offices to the President's House," with the sum of nine thousand eight hundred and sixty-seven dollars; and decided in the negative.

Mr. TAYLOR then moved to fill the blank with \$9,000; which was rejected.

Mr. BASSETT moved nine thousand four hundred; which was rejected.

Mr. HOLMES of Massachusetts, moved eight thousand.—Rejected.

Mr. BASSETT moved to strike out this item altogether.—Rejected.

On motion of Mr. COLSTON, the blank was then filled with \$7,000.

Mr. HITCHCOCK moved to amend the bill by striking out this item: "For procuring materials, laying the foundation, and other preparations for the centre building of the Capitol, \$100,000." Negative—ayes 44.

A motion was made by Mr. W. P. MACLAY, to amend the bill by inserting after the appropriation for finishing the Representative Chamber, the words "or so much of the said sum as he (the Speaker) may deem necessary;" which motion was negated.

And the bill was then ordered to be engrossed for a third reading. As ordered to be engrossed, the bill embraces the following appropriations:

For the completion of the wings of the Capitol, in addition to the sum of \$200,000 already appropriated, the further sum of \$80,000.

For procuring materials, laying the foundation, and other preparations for the centre building of the Capitol, \$100,000.

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For finishing the President's House, \$15,214.

For offices to the President's House, \$7,000.

For the wall north of the President's House, with gates and railing the width of the house, \$3,513.

For contingencies, \$437.

For graduating and improving the President's square, \$10,000.

For erecting a temporary building for committee rooms near the Capitol, \$3,634.

For furnishing the Representative Chamber and Committee Rooms, \$30,000.

For furnishing the Senate Chamber and Committee Rooms, \$20,000.

For furnishing the President's House, \$30,000.

And, before taking up the other bill, reported from the Committee of the Whole, respecting the building additional public offices, the House adjourned.

TUESDAY, April 7.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, made reports unfavorable to the petitions of sundry cork cutters of New York and Philadelphia, and manufacturers of paper hangings, which were read and concurred in.

Mr. SERGEANT, from the Committee of Ways and Means, reported a bill for the relief of the widow and children of Jacob Graeff, which was twice read and committed.

The bills from the Senate, for the relief of Ashael Clark, and for the relief of Samuel H. Osgood; and the engrossed bills for the relief of Seth Sprague; to continue in force the act relating to the settlers on lands of the United States; for the relief of Benjamin Birdsall and W. S. Foster; and the bill for the relief of Frederick Brown, were severally read the third time, and passed.

The House then resolved itself into a Committee of the Whole, on the bill for the relief of Miller and Baker, and the bill for the relief of the sufferers on the Niagara frontier during the late war.

The bill first named having been gone through, and the second taken up, a motion was made, by Mr. SLOCUMB, to strike out the first section, in effect to destroy the bill.

This motion Mr. SPENCER spoke more than an hour in opposition to, and in support of the claims of the sufferers, in question; when the Committee rose and obtained leave to sit again on this bill, that for the relief of Miller and Baker being ordered to a third reading.

The bill to increase the compensation of certain judges of the United States, was received from the Senate, twice read and referred.

STAFF OF THE ARMY.

The House then proceeded to the consideration of the bill to reduce the staff of the Army, and to substitute a commissariat instead of the present mode of subsisting the Army by contract.

Mr. COLSTON moved to strike out the clause authorizing one "principal judge advocate," so

as to authorize one judge advocate only, instead of one principal and one assistant advocate; which motion was agreed to.

Mr. DESHA made an unsuccessful motion to strike out all the sections of the bill which provide for subsisting the Army by a commissariat.

Mr. DESHA said he was in favor of reducing the staff of the Army; for certainly we have the largest and most expensive staff in the world, according to the number of men. The Peace Establishment, when complete, is ten thousand men, and we have a staff sufficient for one hundred thousand. The first sections of the bill do reduce the staff, and will be a saving in point of expense. These I am in favor of; but when the whole bill is taken in connexion, it increases the staff of the Army considerably. Let us examine it. The Army is now supplied with provisions by contractors. The last five sections of the bill contemplate abolishing the contract system, and supplying the Army by a commissariat. This is making a radical change in victualling the Army. Would it not be well to examine whether this change will be an advantageous one as respects supplying the Army, as also the expense? Agreeably to the contemplated system, there is to be a commissary general, with the rank, pay, and emoluments of a colonel of ordnance. The President has the power of appointing as many assistant commissaries as he may think the service will require, who are to be taken from the subalterns of the Army, and are to receive twenty dollars per month, in addition to their pay in the line. How many assistant commissaries will be required? Agreeable to the report of the Secretary of War laid on your table, there are, in the Northern division, forty posts; and in the Southern division thirty-five, making seventy-five posts. At each of the posts, there must be one assistant commissary for issuing, and perhaps at one-half of the posts an assistant commissary for purchasing; one hundred and twelve assistant commissaries. Does this look like reducing the staff of the Army? These assistant commissaries are to be taken from the subalterns of the line, who are, no doubt, honorable young men; but will they lay their hands to, in issuing out the meat, flour, and the other component parts of rations? No; they must have some person to do it for them. Have they any idea of economy? I suspect not. Economy does not belong to young, highminded military men. It is the last thing a military man learns; and do not gentlemen know that there is frequently a material difference between a man doing business for himself, where he is immediately interested, and doing business for the public, as respects care, industry, and economy? When hoops fly off a barrel of flour, or brine becomes bad in barrels of pork, will they use the same exertions to save the property for the public, as if it was their own? I suspect not. And are young officers, who, perhaps, never thought of economy, suitable persons to make purchases of large quantities of provisions? Agreeably to the provisions in the bill, the contemplated measure is only intended as an

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experiment, as it is only to continue in operation five years, unless re-enacted; and as it is not to go into operation until next June twelvemonth, previous to which time another session will take place, I move that all the part that relates to a commissariat be struck out of the bill, which is the sixth, seventh, eighth, ninth, and tenth sections. All things considered, I have no hesitation in believing that where, under the contract system, a ration costs the Government twenty cents, under this system, if adopted, it would cost forty cents, thereby doubling the expense of supplying the Army. I know that evils have occurred under the contract system, that of failing to furnish the necessary supplies in some instances, and, in some instances, furnishing bad provisions; but this might be remedied by a small amendment, by giving the contractors rank, and subjecting them to martial law. The gentleman from Ohio (Mr. HARRISON) tells you that all commanders disapprove the contract system, and the gentleman from Virginia, in support of this measure, has slipped out the reason. He tells you they are not subject to martial law. Yes, sir, this is the true reason. Holding a high military command, is calculated to make a man feel despotic. They cannot bear men around them who are not subject, in everything, to their will, and liable to martial law. Then give them rank, and make them liable to martial law. This will satisfy this despotic feeling, and remedy the evils complained of, which would certainly be better than to make a radical change, by adopting a measure that will, in all probability, cost the Government double as much money as the one in operation. The gentleman from Ohio brings in the little Seminole war, to aid in shoving this bill through the House, and predicts evils in that quarter, if the mode of supplying the Army is not changed. Mr. Speaker, if the gentleman had examined the provisions I propose to strike out, he would see that the contemplated system is not to go into operation till June, 1818; and does the gentleman calculate on that little Indian war continuing till that time? I have confidence enough in the General who has charge of that war, to believe that it will be crushed in half the time. But, agreeably to the gentleman's own showing, this bill is unnecessary; he tells you that the Northwestern Army was furnished a great part of the time of the last war by a commissary. Then, sir, a commanding general has the power, in cases of necessity, to appoint a commissary, or any person, to furnish supplies. Much depends on the mind, capacity, and vigilance of the commander; he directs the contractor to furnish a certain number of rations, at a given point, against a particular day; he will inquire into the contractor's means of complying, and if he finds they are not certain, he has the power of directing any other person to do it. If the power is given to the commanding general to do this in time of war, there is certainly no necessity for changing the system; for every man must see that, by changing the system, as contemplated in the sections proposed to be struck

out, you will double the expense in time of peace. I beg gentlemen to pause, and not hastily adopt a measure that must be extremely expensive to the Government, and particularly when there is no necessity for adopting it at this time, as a session of Congress will intervene before the measure, if adopted, is to go into operation. We ought not entirely to lose sight of economy, as it is one of the principal pillars on which this Republican fabric stands.

On motion of Mr. FORSYTH the sixth section of the bill was amended so as to make the change in the mode of subsisting the Army to take place as soon as the state of the existing contracts shall in the opinion of the President permit, instead of the first of June, 1819, as the bill contemplated.

After some attempts further to amend the bill, it was ordered to be read a third time as amended.

PUBLIC BUILDINGS.

An engrossed bill, entitled "An act making appropriations for the public buildings, and for furnishing the Capitol and President's House," was read the third time; and the question being stated, Shall it pass?

Mr. HERRICK moved, that the said bill be re-committed to the committee who reported it, with instructions to amend the same by striking out this item, to wit:

"For procuring materials, laying the foundation, and other preparations for the centre building of the Capitol, one hundred thousand dollars."

And the question being taken thereon, it was determined in the negative—yeas 53, nays 85, as follows:

YEAS—Messrs. Austin, Barbour of Virginia, Bennett, Boden, Boss, Campbell, Claiborne, Desha, Earle, Edwards, Ellicott, Garnett, Hall of North Carolina, Harrison, Hasbrouck, Hendricks, Herrick, Heister, Hitchcock, Hogg, Holmes of Connecticut, Johnson of Virginia, Johnson of Kentucky, Linn, Livermore, W. Maclay, W. P. Maclay, McCoy, Marchand, Mason of Rhode Island, Moore, Murray, H. Nelson, Ogle, Patterson, Pawling, Porter, Rhea, Savage, Scudder, Bal. Smith, Spencer, Tarr, Townsend, Trimble, Tucker of South Carolina, Walker of North Carolina, Walker of Kentucky, Wallace, Whiteside, Williams of New York, Williams of North Carolina, and Wilson of Pennsylvania.

NAYS—Messrs. Abbott, Adams, Allen of Massachusetts, Allen of Vermont, Baldwin, Bassett, Bayley, Bloomfield, Butler, Clagett, Cobb, Colston, Crafts, Crawford, Cruger, Culbreth, Darlington, Drake, Ervin of South Carolina, Floyd, Folger, Forney, Forsyth, Gage, Hale, Hall of Delaware, Herbert, Herkimer, Holmes of Massachusetts, Hubbard, Huntington, Irving of New York, Kinsey, Kirtland, Lawyer, Lowndes, Mason of Massachusetts, Mercer, Merrill, Miller, Morton, Mumford, Jeremiah Nelson, Ogden, Owen, Palmer, Parrott, Peter, Pindall, Pitkin, Pleasants, Poindexter, Reed, Rice, Rich, Ringgold, Robertson of Louisiana, Ruggles, Sampson, Sawyer, Schuyler, Settle, Seybert, Shaw, Sherwood, Silsbee, Simpkins, Slocumb, S. Smith, Alexander Smyth, Speed, Stewart of North Carolina, Strong, Stuart of Maryland, Tallmadge, Taylor, Terrill, Terry, Tompkins, Upham, Wendover, Westerlo, Whitman, Williams of Connecticut, and Wilkin.

The question was then taken on the passage of the bill, and determined in the affirmative.

The amendment reported yesterday by the Committee of the Whole to the bill to provide for erecting additional buildings for the accommodation of the several Executive Departments, was read and concurred in by the House, and the bill was ordered to be engrossed and read a third time to-morrow.

The Senate having disagreed to the amendments of this House, to the bill directing the manner of appointing Indian agents, &c., a committee was appointed on the part of the House to confer with the committee appointed by the Senate on the disagreeing votes; and the House adjourned.

WEDNESDAY, April 8.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: An act for the relief of General Moses Porter; and An act to authorize the payment of certain certificates, with amendments.

They have also passed bills of the following titles, to wit: An act for the relief of Aquilla Giles; An act authorizing the disposal of certain lots of public ground in the city of New Orleans, and town of Mobile; An act to repeal part of the act, entitled "An act to provide for surveying the coasts of the United States; and An act confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; in which amendments and last mentioned bills: they ask the concurrence of this House.

The House, on motion of Mr. BARBOUR, reversed the report of the Committee of Pensions, made on the 9th February, unfavorable to the petition of Mary Sullivan; and the report, as amended, was recommitted to the Committee of Pensions with instructions to bring in a bill in conformity thereto.

The SPEAKER laid before the House a letter addressed to him by William Blagrove, a clerk in the Navy Office, complaining of the suppression of a statement which he had made to the committee of investigation, detailing certain oppressive conduct of Benjamin Homans, chief clerk of the Navy Department, towards some of the clerks of that Department, which statement was reported to the House among the other documents and sent to the printer, among the others, but which does not appear in the printed report; which letter was read, and ordered to lie on the table.

The SPEAKER laid before the House a report of the Secretary of State, made in obedience to a resolution of the 19th ultimo, respecting the distribution of the journals and documents published under a joint resolution of December 27, 1813.

Mr. HERBERT, from the Committee on the District of Columbia, reported a bill to authorize the sale of a part of the Glebe of Rock Creek Church, in the District of Columbia; which was twice read, and committed.

Mr. SMITH, of Maryland, from the committee to whom was referred a resolution of the General Assembly of the State of Maryland, reported a joint resolution directing the completion of the survey of the waters of Chesapeake Bay, and for the establishment of naval arsenals; which was twice read, and ordered for a third reading.

Mr. H. NELSON, from the Judiciary Committee, to whom was referred the bill from the Senate to increase the compensation of certain Judges of the United States, reported the same without amendment; when—

Mr. NELSON moved that the bill be indefinitely postponed.

Mr. TAYLOR moved that the bill be laid on the table; which motion was negatived; and,

The question being taken on Mr. NELSON's motion, it was decided in the affirmative, yeas 68, nays 40, and the bill accordingly postponed indefinitely.

The bill to regulate the staff of the Army, was read a third time, and passed, as amended by the House, and returned to the Senate for concurrence in the amendments.

The engrossed bill to provide for erecting additional buildings for the accommodation of the Executive Departments, and the engrossed bill for the relief of Thomas Miller and Stephen Baker, were severally read a third time, and passed.

The bill from the Senate to make valid certain acts of the Justices of the Peace in the District of Columbia, was taken up, and, being amended, was ordered to be read a third time.

NAVY PENSION FUND.

Mr. TALLMADGE submitted the following resolution:

Resolved, That the Secretary of the Navy cause to be laid before this House, a report of the state and condition of the Navy Pension Fund—the sources from whence it arises—its amount, and the manner in which it is collected—specifying the sums received yearly from each State, from and after the 20th of June, 1812—and, also, all the information in his possession beneficial to the said fund; and, in particular, that he state the sums received from the district courts of each State, the particular cases from which they arise, and the state of the returns made from each court—the names of the persons, if any, in default in the performance of their duties in regard to the said fund, or in making legal returns thereof; and any proceedings had thereon to enforce performance, and the nature and time of such proceedings.

Mr. TALLMADGE said, in offering this resolution to the consideration of the House, it was a duty for him to state, that the present law required the Secretary of the Navy to report annually to this House the state of the Navy pension fund. This had been done so far as a report stating the amount of the fund, and the manner of its investment in stock, and the names of the pensioners, which was giving little or no information. Mr. T. said he had this session made an ineffectual endeavor to obtain a pension for the widow and infant child of Captain Law-

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rence. He could not, because of the state of the Navy fund; he had searched into that fund; he was happy to say the clerk (Mr. Homans) had given him every aid. The state of his health had prevented him from completing the search, and communicating to this House the result at an earlier day. He was now compelled to say the fund was in a bad situation, and it appeared to be most shamefully neglected, if not abused. Mr. T. said the fund arose principally from the one half-part of prize causes; that the money from prizes came into the several district courts; that the officers of the courts had kept the captors quiet by paying over to them their one-half; while the charitable fund belonging to the Navy pensioners had, as appeared by the absence of all accounts, been a fund not paid over, if not squandered, and he feared frequent frauds had been practised. He said, he was informed at the office that the clerks of the district courts of the different States had neglected to make the returns, as required by law. They had paid over money in some instances, as if to quiet public inquiry. That, to remedy these defalcations, a law was passed in April, 1816, requiring returns from the clerks, and making it the duty of the Judges to do what they were before bound to do to attend to the conduct of clerks appointed by themselves; and the law also enjoined the district attorneys to prosecute in case of default of the clerks to make returns and payments. Mr. T. said he was informed there had not been a single return in conformity to the law, and but very few of the courts had made any payments. The books of the Navy Department, in this respect, were all in disorder and confusion, and gave me no satisfactory information of the state of the pension fund; and must always be and continue in that situation, until proper returns and accounts were enforced. Mr. T. then went into an examination of several cases where there appeared good reason to believe there had been great defaults, if not great frauds. Among the cases mentioned, the *Susannah* was one; it appeared this vessel was a prize to the Constitution; that the captors had received, in 1815, about thirty thousand dollars for their one-half; that no information was given to the Navy fund of the prize; and, after a long time, the clerk of the Navy fund heard of the prize, and claimed the proceeds, and after various delays he had obtained about twenty-two thousand dollars. The balance was detained under the name of a neutral claim; thus (if a genuine claim) taking it wholly from the pension fund. Mr. T. said it was time this House gave their attention to this subject. If the judges of the courts, who appoint their clerks, had been inattentive to the performance of their duties, they required the attention of this House; if the district attorneys had been inattentive to these defaults, and had not prosecuted as required by law, they required the censure of the Executive; if the Commissioners of the Pension Fund had been inattentive, and had allowed this fund to be the subject of abuse, and the books to stand open and in confusion, from the

want of proper returns, without apprizing the Executive of these abuses, with a view to their correction, then most certainly they were in-fault. Mr. T. said that the evils certainly required a remedy; there was wrong somewhere; the records of the Navy fund confirmed the dissatisfaction; and he hoped the House would be willing to attend to the subject, and pass the resolution now submitted.

The resolution was agreed to.

NIAGARA CLAIMS.

The House then resolved itself into a Committee of the Whole, on the bill for the relief of the sufferers on the Niagara frontier. Mr. SLOCUMB's motion to strike out the first section of the bill being under consideration—

Mr. SPENCER made a motion, which he presumed would supersede the motion to strike out the first section, to wit: to strike out all the bill after the enacting clause, and insert the following:

"That the claims arising under the ninth section of the act, entitled 'An act to authorize the payment for property lost, captured, or destroyed, while in the military service of the United States, and for other purposes,' passed April 9, 1816, shall be adjusted and settled by the Third Auditor, under the directions of the Secretary of War, upon the principles contained in said act, and the amount thereof, when so settled, shall be paid out of any money in the Treasury, not otherwise appropriated; and that all evidence taken under any commissions issued by Richard B. Lee, Esq., in support of such claims, be transmitted to the said Third Auditor, for his information.

"*SEC. 2. And be it further enacted,* That the said act 'to authorize the payment for property lost, captured, or destroyed, while in the military service of the United States, and for other purposes,' except so much thereof as authorizes the appointment of a Commissioner, be, and the same is hereby continued in force for one year from and after the passing of this act; and that all claims arising under the said act, other than those hereinbefore provided for, whether the same have or have not been reported to Congress, shall be adjusted and settled by the said Third Auditor, under the direction of the Secretary of War; and the amount thereof, when so ascertained, shall be paid out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN decided this motion out of order; and the question recurred on striking out the first section.

Mr. RICH opposed the motion, not that he believed the claims came fairly under the act of April, 1816; but, if they did, he was for indemnifying them.

Mr. WILLIAMS, of North Carolina, spoke at much length in opposition to the bill, and to the propriety of paying the Niagara claims.

Mr. COMSTOCK supported, at some length, the justice of these claims, and the propriety of paying them.

Mr. JOHNSON, of Kentucky, followed very earnestly on the same side.

Mr. CLAY also advocated warmly the justice of these claims, the obligation of the Govern-

ment to indemnify the sufferers, and the policy of so doing.

Mr. HARRISON spoke on some incidental points, and in favor of the claimants.

Mr. ROBERTSON, of Louisiana, replied to some of Mr. WILLIAMS's remarks, and in support of the propriety of indemnifying the sufferings of exposed citizens on the frontiers; and incidentally on the delay which had taken place in deciding on similar claims from Louisiana.

Mr. FORSYTH opposed the bill, and spoke at some length against the expediency of paying the claims; when

The question was taken on striking out the first section, and decided in the negative—ayes 57 noes 66.

Mr. OGDEN made an unsuccessful motion to refer the adjudication of all these claims to the Third Auditor of the Treasury.

Mr. REED, of Maryland, moved to add the following as a new section to the bill.

"And be it further enacted, That the Secretary of War, upon application of any person or persons, or the legal representative or representatives of any person or persons, residing or who did reside upon the Chesapeake bay, or the waters emptying therein, having property burned, destroyed, or carried away, by the enemy during the late war, shall appoint two proper and discreet persons, resident of the neighborhood where such property was burned, destroyed, or carried away, who, after having duly sworn before some person having competent authority to administer an oath, shall value and assess the damage sustained by such person or persons, by reason of any burning, destroying, or carrying away, of any property, as aforesaid, which valuation and assessment, made as aforesaid, shall be certified and returned, under hand and seal, by the persons making the same, with the certificate of the persons before whom the oath was administered thereto annexed, to the Secretary of the Treasury, who is hereby directed and required to report all and every such case to Congress within ten days after the commencement of the next session, stating distinctly the cases and the amount of each: Provided, That any valuation which hath heretofore been made and certified by two or more discreet persons, acting under the obligations of an oath, shall, when returned to the Secretary of War conformably to the provisions of this act, be held as valid as if the same had been made under the provisions herein contained, anything in the law to the contrary notwithstanding."

On motion of Mr. COLSTON, the amendment was modified, with the consent of Mr. REED, by striking out its limitation to the citizens on the waters of the Chesapeake, and to make it applicable to "all citizens of the United States, or the Territories thereof, residing therein."

Mr. CLAY, though willing to indemnify the sufferers on the Chesapeake as well as the others, if brought forward separately, opposed this section, inasmuch as it would endanger the claims which have now been investigated, and were ready for decision, and which he was anxious to see allowed, &c.

Mr. FORSYTH moved to strike out that part of the amendment which refers the cases to the Secretary of the Treasury, down to the proviso, and insert the following:

"To the Secretary of War, and the same, if approved, shall be paid for when so returned by the Secretary of War, at the rate fixed by the preceding section of this act, fifty per cent. for houses destroyed, and thirty per cent. for personal property burnt, destroyed, or carried away, out of any money in the Treasury not otherwise appropriated."

This motion was agreed to—ayes 54 noes 53.

Mr. MERCER spoke at some length in favor of relieving and indemnifying all sufferers alike, and against the propriety of extending remuneration to the Niagara sufferers, to the exclusion of those who had, on the waters of Virginia and elsewhere, suffered all the evils and horrors of war in the late contest.

Mr. CLAY replied to some of Mr. MERCER's arguments, and again advocated the indemnification of the Niagara sufferers, whose claims had been audited and investigated by Commissioners appointed for that purpose, and against now attaching any other cases, however just they might hereafter prove to be, and to which he was friendly; as such a course would, instead of relieving others, only defeat the present bill, which course was unfair, &c.

After a great deal of desultory discussion, the question was taken on Mr. REED's amendment, and agreed to—ayes 65, noes 55.

The Committee rose, and reported the bill to the House as amended; and the House adjourned.

THURSDAY, April 9.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, reported a bill for erecting a light-house upon Galloo island, near the outlet of Lake Ontario; for placing sundry spindles or buoys, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of Mary Sullivan; which was read twice, and committed to the Committee of the Whole to which is committed the bill for the relief of Benjamin Berry.

Bills from the Senate of the following titles, to wit: An act to repeal part of the act, entitled "An act to provide for surveying the coasts of the United States;" An act confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; An act for the relief of Aquilla Giles; and An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile, were severally read, and the first thereof ordered to be read a third time to-morrow; the second referred to the Committee on Private Land Claims; the third committed to a Committee of the Whole to-morrow, and the fourth referred to the Committee on the Public Lands.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of General Moses Porter," was read, and concurred in by the House.

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The House took up and proceeded to consider the bill to increase the pay of the militia, while in actual service, and for other purposes; and the same being amended, was ordered to be engrossed and read a third time to-morrow.

The amendment proposed by the Senate to the bill, entitled "An act to authorize the payment of certain certificates," was read, and concurred in by the House.

The bill from the Senate, entitled "An act to make valid certain acts of the justices of the peace in the District of Columbia," was read the third time, and passed as amended.

An engrossed resolution, directing the completion of the survey of the waters of the Chesapeake Bay; for establishing naval arsenals, and for other purposes; was read the third time, and passed.

The bill for the relief of Samuel Thompson and John Daily, passed through a Committee of the Whole, and, on the question of ordering it to a third reading, it was negatived, and the bill rejected.

The House went into a Committee of the Whole on the bill for the relief of Benjamin Berry; and on the bill for the relief of Mary Sullivan. They were reported to the House, and ordered to be engrossed and read a third time to-morrow.

The House went into a Committee of the Whole, on the bill to authorize payment in certain cases on account of Treasury notes which have been lost or destroyed. The bill was reported without amendment, and ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill to incorporate the Columbian Institute. The bill was reported without amendment, and ordered to be engrossed and read a third time to-morrow.

The House went into a Committee of the Whole on the bill from the Senate, entitled "An act to incorporate the Mechanic Relief Society of Alexandria." The bill was reported without amendment, and ordered to be read a third time to-morrow.

The House went into a Committee of the Whole on the bill from the Senate, entitled "An act in addition to the act, entitled 'An act for the relief of John Thompson,' also, on the bill for the relief of Henry King; and on the bill for the relief of the widow and children of Jacob Graeff, deceased. The bills were reported without amendment.

Ordered, That the bill from the Senate, in addition to the act for the relief of John Thompson, be read a third time to-morrow; that the bill for the relief of Henry King lie on the table; and that the bill for the relief of the widow and children of Jacob Graeff, deceased, be engrossed and read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of Josiah Bullock, and on the bill for the relief of James Mackey. The Committee reported the first mentioned bill with an amendment, and asked leave

to sit again on the last mentioned bill, which was refused, and the bill was ordered to lie on the table.

The House went into a Committee of the Whole on the bill for the relief of Jonathan Amory, junior, and the representatives of Thomas C. Amory, deceased. The bill was reported without amendment, and ordered to be engrossed and read a third time to-morrow.

The amendment to the bill for the relief of Josiah Bullock was concurred in, and it was ordered to be engrossed and read a third time to-morrow.

SURVIVING OFFICERS, &c., OF THE REVOLUTION.

Mr. HOLMES, of Massachusetts, submitted the following resolution:

Resolved, That the committee on so much of the President's Message as relates to military affairs, be instructed to inquire into the expediency of providing by law for rewarding such meritorious officers and soldiers of the Revolution (as well of the militia as the regular army) as may not be embraced within the provisions of the act passed at this session of Congress, to provide for certain surviving officers and soldiers of the Revolutionary Army.

Mr. HOLMES said, when the act for the relief of the unfortunate heroes of the Revolution passed, it was apprehended by its friends that many meritorious men, both of the army and militia, would be excluded from its provisions. The bill went from this House to the Senate in rather a crude state; and it was so severely opposed and criticised there, that, when it returned here with its amendments, its friends feared to propose any alterations, lest, on a disagreement between the two Houses, the bill should be lost. It was however expected, that from applications under the act, cases would be developed which would require a supplementary act. Cases, he was told, had occurred, and others would probably occur, which would prove the necessity of providing for others who have claims on the justice of their country for Revolutionary services. Many he said were illy paid; and many, though not reduced in their circumstances, have strong claims on the justice and gratitude of their country. He had, therefore, prepared the resolution which he had offered, and proposed to have it committed to the Committee on Military Affairs. He was not sanguine that anything could be matured this session, but he wished to call the attention of the Committee to the subject, that some progress might be made in it, and that, at the next session, the provision required by the resolution might be made. At that time he promised to show to the House, that many not included in the late act are entitled to their country's consideration.

The question was then taken on agreeing to the resolution, and decided in the negative.

NIAGARA CLAIMS.

The House then took up the report of the Committee of the Whole on the bill to provide for the relief of the sufferers on the Niagara fron-

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✓ tier, by the ravages of the enemy in the late war, the question being on concurring in the amendment adopted by the Committee on the motion of Mr. REED.

After a good deal of debate, in which Mr. RICH opposed concurring in the amendment; and Messrs. SMITH, of Maryland, and REED supported it; and after some additional remarks by Mr. SPENCER, in support of the Niagara claims, the amendment was concurred in without a division.

The bill was further amended, on motion of Mr. RICH, by excluding from the provisions thereof all articles of trade or merchandise.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the negative—yeas 51, nays 91, as follows:

YEAS—Messrs. Baldwin, Ball, Bateman, Bloomfield, Comstock, Cruger, Culbreth, Drake, Ellicott, Garnett, Harrison, Hasbrouck, Herbert, Herkimer, Herrick, Holmes of Massachusetts, Hubbard, Irving of New York, Johnson of Kentucky, Jones, Lawyer, Little, Merrill, H. Nelson, T. M. Nelson, New, Ogden, Palmer, Peter, Pleasants, Porter, Reed, Ringgold, Robertson of Louisiana, Sampson, Savage, Schuyler, Scudder, Shaw, S. Smith, Spencer, Strother, Stuart of Maryland, Tallmadge, Taylor, Tompkins, Townsend, Trimble, Tyler, Westerlo, and Wilkin.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of Vermont, Barbour of Virginia, Barber of Ohio, Bassett, Bennett, Boden, Butler, Campbell, Clagett, Cobb, Colston, Cook, Crafts, Crawford, Darlington, Earle, Edwards, Ervin of South Carolina, Folger, Forney, Forsyth, Gage, Hale, Hall of Delaware, Hall of North Carolina, Hendricks, Hogg, Holmes of Connecticut, Hopkinson, Huntington, Johnson of Virginia, Kirtland, Linn, Livermore, Lowndes, W. Maclay, W. P. Maclay, McCoy, Marchand, Mason of Massachusetts, Mason of Rhode Island, Mercer Miller, Moore, Morton, Moseley, Mumford, Murray, Jeremiah Nelson, Ogle, Owen, Parrott, Patterson, Pawling, Pindall, Pitkin, Rhea, Rice, Rich, Richards, Rogers, Ruggles, Sawyer, Sergeant, Settle, Seybert, Sherwood, Simkins, Slocumb, Ballard Smith, J. S. Smith, Speed, Stewart of North Carolina, Strong, Tarr, Terrill, Terry, Tucker of South Carolina, Upham, Walker of North Carolina, Wallace, Wendover, Whiteside, Whitman, Williams of Connecticut, Williams of New York, Williams of North Carolina, Wilson of Massachusetts, and Wilson of Pennsylvania.

So the bill was rejected.

CASE OF R. W. MEADE.

The House, on motion of Mr. TRIMBLE, took up the report of the select committee on the resolution of the 12th February, and the memorial of sundry citizens of Philadelphia, respecting the imprisonment of Richard W. Meade, by the Spanish Government. The report concludes with recommending to the House the adoption of the following resolution:

Resolved, That the House is satisfied that the imprisonment of Richard W. Meade is an act of cruel and unjustifiable oppression; that it is the right and duty of the Government of the United States to afford to Mr. Meade its aid and protection; and that this

House will support and maintain such measures as the President may hereafter adopt, to obtain the release of the said R. W. Meade from confinement, should such measures be proper and necessary.

The resolution having been read, Mr. TRIMBLE proposed the following substitute therefor, by way of amendment:

Resolved, That the demand made by the President of the United States upon the King of Spain for the liberation of Richard W. Meade, a citizen of the United States, detained in confinement at the Castle of Santa Catalina, at Cadiz, ought to be supported and enforced, by vesting in the President an authority to make reprisal upon a Spanish Consul, in the event of a failure on the part of Spain promptly to discharge the said Meade.

Mr. TRIMBLE rose, in support of his motion, and addressed the House as follows:

If I may find favor in the sight of the House, I would ask a short indulgence at their hands. I know how much they are exhausted in the consideration of various complicated questions, touching our internal prosperity and exterior relations; and I am more than sensible of my utter inability to repay their attention with a fair equivalent.

The resolution reported by the committee is, in my opinion, unequal to the emergency of the case—I would prefer a stronger measure. Had the vindication of this amendment fallen to the lot of some members whom I could designate, they would tell us a round, unvarnished tale, that would nail us to our places—a tale that would “rouse the slumbering dead to hear.” They would show you a captive through the gratings of his prison window; that captive a citizen and brother, your agent and vice consul, languishing in a foreign dungeon, unpitied and forgotten; secluded from the cheerful light of day; bereft of all the endearments of social life—the solace of children, wife, and friends, and peaceful home—pining and wasting away in misery and despair, with but one solitary ray of hope, “that gleams from the star-spangled banner which waves over the land of the free and the home of the brave.” But I have no thoughts that scald, or words that burn, or plaintive tones of supplication, that would wring reluctant succor and compassion from Congress and the nation. Mine are humble powers, that have no eloquence of speech, save what the subject lends to grace its memory. Let no man judge me of meaning more than I explain. In the full spirit of candor, I declare, before the highest of all tribunals—the Judge of quick and dead—that, if I know myself, there is no temptation which would induce me to do a deed that would bring dishonor on my country; and I swear by all that is sacred in me, that in my opinion we are bound in duty, in justice, and in honor, to give this citizen immediate succor, even at the hazard of our lives. Suppose a change of cases, and I and you, and all of us would ask it and expect it. Let us remember the golden rule of him who spake as never man spake—let us do to others as we would have them do to us; for on this hangs the duty of the nation. If the measure which I offer and advocate is dangerous or

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premature, there is a redeeming spirit in the superior wisdom and better judgment of the House, which will shield us from its consequences; and I am sure there is a *fund* of charity within these walls, that will forgive the well-meant, but mistaken zeal, which may lead me beyond the boundary of cold caution.

Permit me to waste a few moments in glancing over the facts, as reported. I intend to rely entirely on the evidence of the Spanish documents, and for that reason shall omit many considerations which give a favorable color to the case; as, for instance, Mr. Meade's loan of forty thousand dollars in cash to the Regency, to assist them in suppressing a mutiny of the troops at Cadiz; the enormous sum of more than half a million which they owe him for property sold the Government; and the fact of his being put under military guard until his warehouses were pillaged, by order of the Regency, because he refused to sell any more property, flour, tobacco, &c., until he could get pay for what they already owed him. Let these, and many others like them, pass for nothing. The naked case is this: Mr. Meade held in his hands about fifty-two thousand dollars, as trustee under the bankrupt laws of Spain, subject to the direction and control of the Consulado at Cadiz. One Glass claimed this money for himself; and one Hunter, by his agent, (McDermot,) also claimed it. The Consulado ordered the money to be paid to McDermot, on condition that he would give security. This he failed to do, and the Consulado suddenly made an order, directing Mr. Meade to deposit the sum in the King's treasury. He made the deposit, in "effective specie," which the same treasury owed him, viz: in *libramientos*—that is, treasury notes or cash scrip. These treasury notes may have been at a discount in the market, but that could make no difference; for it would have been more than dishonest in the treasury to refuse its own paper, because it was at a discount. Between Meade and the treasury there was no ground of complaint, and could be none; for, if he had paid the deposit in specie, the treasurer must have instantly repaid it to him, in discharge of the *libramientos*—that is, treasury notes—and the result would be exactly the same. And as Meade was then pressing the treasurer to pay his cash scrip, it is easy to see that the treasurer obtained a respite from further importunity, until Glass or Hunter should call for the money, at the end of their law-suit.

Some time after this, McDermot brought suit against Mr. Meade for the same sum, before the same court. He pleaded their order and the deposit in the King's treasury, and vouched the treasury to respond the money; but the court gave judgment that he should pay again. He appealed at the Alzadas, and the cause was withdrawn from that court by the Council of War, at the instance of McDermot; and it is still pending before the Council of War. Mr. Meade petitioned the King against the oppressive conduct of that court, and the King ordered five new judges to be associated with the old ones, and directed that no

proceedings should be had in the cause, in the absence of the new judges. McDermot suggested to the Council of War, that Meade was about to leave Spain, and the old judges, in the absence of the new ones, and contrary to the King's order, authorized the Consulado at Cadiz to hold Meade to security for the money; and the Consulado resolved, that the only security they would take, should be another deposit of the money in their Treasury. This Meade refused to do, and he was sent to the castle, and put in the felons' prison. Other aggravating facts and circumstances may be found in the documents sent by the President in his Message on this subject.

Our Minister near the Court of Madrid complained of these outrageous proceedings, as a violation of the 7th and 20th articles of the treaty of 1795, and also a violation of the laws and usages of Spain; and the King expressed his entire disapprobation of the conduct of the courts, and ordered that justice should be immediately done in the cause; but at the same time issued an order, directing the proceedings to be suspended as long as possible, suggesting as his reason for this, that in any event, his treasury must refund the deposit so soon as the cause should be decided; and that he had no money in his treasury to refund. This is said at the time when his Minister of Finance states in his exposé to the King, that the annual expense of the King's household amounts to seven millions of dollars. And this is what Don Onís calls "Immaculate Purity," and I would say that it caps the climax of Spanish villany and treachery. I challenge all history to produce its parallel. Are we not bound to protect this citizen against such a flagrant outrage? I read in the books, that nations are in a state of nature, and have only two modes of compelling each other to do justice; war and reprisal. I say nothing of big words hung up in resolutions. They are the index of imbecility; the mask of cowardice. I abjure all hectoring, and gasconading, and gustering, between nations or individuals. In this case war would only increase the injury, by protracting the confinement. Reprisal is the only efficient remedy. The amendment before you proposes, that a law be passed, authorizing the President (in the event of a failure on the part of Spain, to liberate this citizen) to make reprisal by seizing a Spanish subject, a consul or vice consul, and confine him as a hostage. This will support the President in his late demand, and put a weapon in his hand, to chastise the insolence which Spain may offer to this Government in the reply which she may make. So far as precedent goes, this amendment is supported by the law of 1799, which authorized and required the President, ADAMS, to make reprisals upon French citizens in the cases there mentioned. If examples are called for, they are to be found in the history of every nation. The world would never be at peace, if all causes of complaint were redressed by war. Humanity and sound policy approve the practice of reprisals, and require that it should sometimes be resorted to. Why should a nation change its peaceful habits, and gird on the armor of war, and

waste millions to obtain redress for an injury, which can be redressed by the seizure and confinement of a single individual? Would you spill the blood and squander the treasure of your own people, where redress can be obtained by the pressure of coercion on the people of your adversary? Shall this outrage be placed upon the calendar of grievances, to be discussed upon thirteen years forbearance? Promptitude is justice in a case like this. If it must terminate in a war of words, we have proof positive, that Mr. Adams can drive Don Onis from the field of battle; but, in my opinion, we have retreated far enough from Spain; and unless we make a stand upon reprisal, we shall take shelter behind the ramparts of disgrace.

Perhaps it would be well, he said, to premit the reading of authorities; but here is something so exactly to the purpose, that he would ask the House to hear it: Vattel, page 283, section 341: "Where a sovereign is not satisfied with the manner in which his subjects are treated by the laws and customs of another nation, he is at liberty to declare that he will treat the subjects of that nation in the same manner as his are treated. This is what is called retortion. There is nothing in this but what is conformable to justice and sound policy. No one can complain on receiving the same treatment which he gives to others." Again, same book, page 285, sec. 351: "As we may seize the *things* which belong to a nation, in order to compel her to do justice, we may equally, for the same reason, arrest some of her citizens, and not release them till we have full satisfaction." And again, same book, p. 262, sec. 71: "Whoever uses a citizen ill, directly offends the State, which is bound to protect this citizen; and the sovereign of the latter should avenge his wrongs, punish the aggressor, and, if possible, oblige him to make full reparation, since otherwise the citizen would not attain the great end of the civil association, *which is safety*." He would refer gentlemen to page 5, sec. 17, and page 288, sec. 354, same book. These passages, he said, would show that the amendment before the House came clearly within the scope and sanction of the law of nations. But, for his part, although he gave full credence to able writers on such subjects, yet he relied much more on common sense and practical experience. The great volume of nature was the work from which he drew his lessons of instruction; these books he considered as only commentaries on the text. We must look behind the chronicles of nations for the principles which gave birth to their existence, or the necessities which suggested their variety of laws and usages.

Formerly the States could protect their citizens by reprisal. In the formation of the Constitution they surrendered the right to the General Government. Are you not bound in duty to use all the powers thus solemnly granted to you and inhibited to them? Can the duty of this nation to protect its citizens be made a question? Can you alienate a part of your territory? Can you denationalize a citizen? Can the nation

abandon a citizen without his consent? The primary object of the social compact is personal safety and protection. In the formation of that compact, each individual surrenders his natural right of self protection, on condition that he shall be protected by the whole strength of the community. Allegiance and protection are coeval and coextensive. If you claim, or have a right to claim, the one, the citizen has a right to claim the other; they are one and indivisible. What are the obligations of this Government to its citizens? Upon what basis is it founded? Was it erected upon a system of time-serving policy, or did the wise framers of the Constitution dig deep, and lay its foundation sure—upon immutable principles of justice and of rights? Let us analyze the Constitution; let it speak for itself: listen. "*We*, the people of the United States, surrender to *you*, the General Government, certain rights, and grant you certain powers. And what do you give us in return for these? A guarantee, a solemn compact on your part that you will insure to us equal rights, equal justice, and equal protection; promote our general welfare, and secure the blessings of liberty to ourselves and our posterity." Yes, sir, *equal* rights, to be secured by wise and wholesome laws; equal justice, to be administered by honest, upright judges; and equal protection to every citizen throughout the world: not, if you please, on courtesy or favor, but on compulsion, on solemn compact; not when you please, at your convenience, but promptly when demanded, and to be enforced, when necessary, by the whole power of the community. Will any man deny these principles? Who dare deny them? I arraign the counter-pleader at your bar, (the table;) put him upon his oath, and leave him to his country, his conscience, and his God. Such a statesman would be banished from this House by the ostracism of public opinion, and his return perpetually interdicted by the non-intercourse of general detestation.

What is the general welfare of the nation but a sum total of benefits, composed of items, solemnly promised to each citizen to be sacredly performed? What are the blessings of liberty? Are they empty sounds and tinkling cymbals, or are they nouns substantive, that can be felt, and handled, and enjoyed?

There is one blessing of liberty which stands pre-eminent above the rest—it is personal protection! Has this citizen enjoyed that blessing, or has he been visited by the bitterest curses that unrelenting vengeance could inflict upon an unfending victim? These venal and corrupt ministers, these panders for royalty, have caused him to be torn, lawlessly, from his family and friends, and thrown into the dungeon assigned for malefactors. Baseness, fraud, and perfidy, formed an unholy league with avarice, ingratitude, and malice, to wring from him his property and smother his complaints; and the laws of Spain, subsisting treaties, and the sacred usages of nations, were but ropes of sand in the hands of these myrmidons of power. They have made him drink of

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the cup of bitterness even to the dregs; and it is left for you to return the poisoned chalice to the lips of his oppressors. The present generation will not forget this flagrant outrage on our Consul, and history may record the infamy of the Spanish Ministers; and that infamy I would save Pizarro; he alone seems to have urged his master to redress the injury as speedily as possible. I hope I do not mistake his good intentions; but, sir, I could not swear for him; I should be loth to stand compurgator for good faith, honesty, and fair dealing in any Spanish Minister. Who would have expected such injustice and outrage at the hand of Ferdinand VII? In the late struggles and convulsions which agitated the Spanish monarchy, and indeed all Europe, it was not expected that our neutral rights would pass unassailed, and we have not been wanting in patient forbearance, while imperious necessity could be urged as an apology for violations of public faith; but, when the world was permitted to take rest, and repose itself in peace, under the auspices of the high contracting Powers; when the Holy Alliance had guaranteed the rights of nations, all mankind had expected full and ample justice at the hand of the legitimate sovereigns. As Ferdinand of Spain had, in the general conflict, suffered most from the lawless hand of power; as he had been decoyed from his home, treacherously torn from his country by a foreign despot, and made to suffer a long and painful imprisonment, it was expected, on his restoration, that he would hasten to lay open his own dungeons, set free his prisoners, and give examples of justice and good faith to surrounding nations. As he knew, from experience, the value of personal liberty to himself, (and who should know better than he?) the world had done him the honor to hope and believe that he would hold sacred and inviolate the personal liberty of others. How delusive the hope, how vain the expectation! Poverty made him avaricious, oppression taught him cruelty, and experience, that able teacher, that whip of scorpions, learned him no lessons of wisdom, of moderation, or forbearance. His Ministers have brought this case to a crisis. Our national honor is involved; you must demand reparation in firm language, and enforce it with strong measures, or your boasted birth-right will be sold in European markets for a mess of pottage. There is some virtue in retortion and reprisal. What can words avail us? Is it not disgraceful to crave imparlance in a case like this? Will you sacrifice the honor of your country, violate your duty, and abandon this citizen to his fate; or will you stand up, all as one man, to enforce his liberation, and compel justice to be done him? It is in vain to temporize with the treachery of Spain; let us make assurance doubly sure; let us have redress—peaceably if we can, forcibly if we must.

When I had the honor of presenting the resolution for reprisals, some objection arose because it did not define the nature and extent of reprisals meditated. In this amendment I have attempted to obviate the objection. But it is due, in candor to the House and nation, that I should so explain

myself that no one can mistake me. In the event of a failure on the part of Spain to surrender Mr. Meade, upon the late demand, I would seize a Spanish subject and Consul, of equal property and respectability, as a hostage; confine him at Castle William, in the harbor of Boston, and treat him, in all respects, as it shall be made to appear that our citizen is treated at the Castle of Santa Catalina. That would be equal justice subject for citizen, Consul for Consul, castle for castle, and treatment for treatment. No, sir, I humbly crave the pardon of my country—that would not be equal justice—for as “one day, one hour, of virtuous liberty is worth a whole eternity of bondage,” so, also, one honest, upright, independent freeman is worth a kingdom, an empire, of servile, crouching, sycophantic Spanish slaves.

I will not say that this amendment has been drawn up with all the skill and scholar-craft which might have been employed in its production; but I will boldly affirm that the redress which it indicates, is more than justified by the case, and fully supported by the laws and usages of nations. I know not what others may think on this subject, but, for myself, I have no hope of redress but from coercion—for that sovereign who forfeits his word of honor, and brings his reputation and his justice into question, will not easily unhand his victim, or forego his vengeance. I am, therefore, bold to say that I will use retortion. The States surrendered to the General Government the right of making reprisals; and, in their name, I ask you to exercise the power—I demand it in the name of the people. Gentlemen may shake their heads, if they mean to say that the demand is too broad—that I have no right to speak for them, and their States. Then, sir, I demand it in the name of the people whom I represent—in the name of the State from whence I come. I know them, and can speak for them—I know their love of liberty and hatred of oppression, and will answer for their readiness to support the honor of the country, and their promptitude in chastising all infractions of personal liberty.

Mr. Speaker: The shocking and cold blooded massacre of your gallant relation, Captain Hart, and others, after the battle of the river Raisin, is too certain to admit of doubt. But, let it be once officially known that they are still living, lingering out a hopeless existence, under savage restraint, and your State would demand reprisal and retaliation of Congress, in a tone respectful, I trust, but not equivocal; and if you should refuse, the people of that State would rise *en masse*, and the whole power of this Government would be utterly unable to suspend the blow of retaliation which would fall on the savage tribes. I should be ashamed—I would feel myself dishonored—were I capable of withholding that succor and protection from the citizens of the seaboard, which I would extend to the inhabitants of the West; and yet, the Indian prison is but a boundless wilderness, and the only fetters which he uses, is the hazard of starvation to the

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prisoner who escapes. Hard and hopeless as this condition is, who would exchange it for the gloomy horrors of a Spanish dungeon, where each succeeding day brings an accumulating load of misery and wretchedness, and each long, lingering night is spent in breathless agony, listening to the "stealthy tread" of the hired assassin, coming to earn his bloody wages—a dungeon where unseen poison may lay the prisoner on his bed of straw; or the treacherous stiletto nail him to the midnight floor.

If it shall appear to the House, as it does to me, from the report of the committee, that this citizen has been incarcerated contrary to the laws of Spain, subsisting treaties, and the usages of nations—if he has been lawlessly torn from his wife and family, and thrown into the felons' prison—if that wife, that heart-broken woman, after seeking an asylum for herself and children, in her native land of liberty, has ventured to supplicate your succor and protection for her suffering husband—if the sovereign, who has visited him and his with this cup of bitterness, has acknowledged, under his own hand, by his public order, that there is no cause for the outrage—if, in point of fact, the same sovereign did, by his secret order, direct the proceedings to be delayed as long as possible, because his treasury was not prepared to respond the deposite—if, in fine, this case of unparalleled duplicity, and fraud, and treachery, and unwarranted oppression, is believed, and stands uncontradicted, where is the man of feeling that would hesitate to make reprisal? If there breathes a man so utterly devoid of sympathy, may woman's malediction light upon his head. And where shall the woman of feeling be found, who would sigh on the colorless lips of her husband, while his mouth is polluted with a chilling, cold-hearted No?

Sir, said he, Freedom and Protection are twin brothers, born in one day, and Freedom, the elder, and more terrible to tyrants; so long as he breathes, despots would rather grasp the forked lightning, than lay their unhallowed hands upon his younger brother; so soon as you fail to protect, we cease to be free; all that is left us, is but shadow, the substance lies buried in a Spanish dungeon. Abandon this citizen, and you set a precedent—I dread, a precedent which violates good faith. At first, such precedents may be only vices; but when, by force of custom and repetition, they become fixed habit, the disease is desperate and incurable. For although

"Vice is a monster of such horrid mien,

As to be hated, needs but to be seen;

Yet seen too oft, familiar with her face,

We first endure, then pity, then embrace."

Sir, such foul, unnatural precedents will blast your rising fame, as the Bohun Upas blasts its heath of surrounding desolation. Examples so utterly hostile to the genius of our Government, foretell the decay of public virtue. They proclaim the tree of liberty doated at the heart. The strength of the Government lies in the confidence of the nation; but public opinion will hesitate and falter the moment we betray our

trust, by deserting a citizen in the hour of danger. No man can tell with what particle of air a pestilence begins; and no statesman can foresee what breach of faith will cut the cords of confidence, and palsy the affections of the people. I hope we shall do our duty promptly, as becomes the character of freemen, proud of our country's honor, and our rights; and then, let what may happen, we can sleep with quiet consciences.

Mr. HOPKINSON, of Pennsylvania, expressed his belief, that the report of the committee went as far as the duty of this House required it to go in such a matter. There was a limit beyond which it was improper to go, in an affair intrusted to the Executive; and Mr. H. hoped, that what had been done by the Executive would be found amply sufficient for all the purposes of this case. The first movement in this business had been made by this House; the President had, in consequence thereof, opened a correspondence with the Spanish Minister in a very decided and dignified manner; and the report of the committee is, that this House will support the Executive in any further measures to obtain the release of Mr. Meade, which shall be just and necessary. In doing more than this, at present, Mr. H. asked if the House might not proceed without distinctly seeing the result? But Mr. H. wished to see something of the practical effect of the proposition; with that, the gentleman had not favored the House. The resolution offered by the gentleman from Kentucky authorized the President to make reprisal for the imprisonment of Mr. Meade—to seize a Spanish subject, and confine him in prison until Meade shall be released. Now Mr. H. denied that this Congress could give the President any such despotic power. Every man in this country, whether foreigner or citizen, is under the protection of the laws. Who was the President to select for reprisal? Shall he, as is suggested, by some unknown process, seize a Consul, living under our laws, and lodge him in jail, uncharged with debt, or crime, or any violation whatever of the laws of the land? If despotic Governments do these things, we should avoid, not follow, the example. We, said Mr. H., must follow the course of the laws, and cannot depart from it. There was no process, he said, by which a man could be seized and imprisoned in this country, because a citizen was improperly imprisoned in a foreign country. There was nothing in the laws of nations, or our own laws, to justify it. The case quoted by Mr. TRIMBLE was an authority given to the President to make reprisals when we were actually in a state of war. Such acts might be proper in a time of war, but not in a time of peace like the present. Mr. H. admonished the House not to stretch this thing too far, in their anxiety to obtain justice for the citizen in question. He knew Mr. Meade and his family, and his feelings were as strongly excited to their sufferings as any gentleman's; and he wished to do everything to produce his liberation which was consistent with propriety. Did the gentleman mean to make this a subject for war? Yet there was no act beyond the one pro-

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posed by him but war. What precedent, or law, Mr. H. asked, could the gentleman find for the reprisal he recommended, and what would prevent the judges from discharging any man, brought up by habeas corpus, from such an arrest? Mr. H. contended, that the report of the committee was sufficient for the present, and went far enough. Hereafter, after it was seen what effect the President's remonstrance should produce, stronger measures might be taken, if it should be found necessary—even war itself.

Mr. HARRISON, of Ohio, thought the gentleman from Pennsylvania might have found a precedent for the resolution offered by Mr. TRIMBLE. He had never read the law himself, but he had often heard of an act called the alien law, passed in the Administration of Mr. Adams, by which the President was authorized to seize the subject of any foreign Government, and send him out of the country. If the House could give such a power as this to the Executive, it surely could confer the power proposed in the resolution. The Constitution intended to guard the citizen against the encroachment of his own Government, and this House possessed the power to protect our citizens, and, in doing so, even to send the Minister of Spain or any other out of the country. As to the proposition itself, Mr. H. would merely say, that Congress owed it to the nation not to adjourn without doing something effectual to produce the liberation of Mr. Meade from his long and cruel imprisonment. He was not confined for any crime but that of being an American citizen—that, said Mr. H., which was the protection of a Roman citizen, is with an American a cause of injury; and Mr. H. declared he would go to any measure short of war, to release the citizen in question. The proposition of Mr. TRIMBLE he thought the safe and proper way of proceeding, and the only one that could answer the end in view.

Mr. TRIMBLE, in reply to Mr. HOPKINSON, said, he could not doubt the power of the Government to protect a citizen, even by making reprisals on the subjects of the Government holding our citizens in bondage. The representatives of foreign Governments were protected by our laws from violent outrage, but still they were responsible agents, and the law of this country could seize upon a Spanish Consul, or anybody else; the law was sovereign, and could do anything within our own limits but exceed the pale of the Constitution; then make a law for the case, and every foreigner as well as citizen must submit to it. The reverse of this, Mr. T. said, would be a monstrous doctrine—for it was impossible to believe that the Constitution would have left the Government without this power of protecting our citizens from foreign violence: and, though he had more than common confidence in the opinions of the gentleman from Pennsylvania, he must still contend that the proposed measure would be perfectly Constitutional. As to the law which had been referred to, Mr. T. said it was an act to authorize the Executive to make reprisals upon French subjects in a time of peace. The gentle-

man shakes his head, said Mr. T., but were we, he asked, more at war with France than we are with Spain now? Has not Spain violently seized a national ship, the *Firebrand*, and committed many acts of hostility more than we received from France in 1799? Yet reprisals were authorized against French subjects, and he read the act to show that it was a measure fully as strong as the one he now proposed. As to the mode of executing the measure, Mr. T. said there would be no difficulty in doing a thing of this kind; it might be done by application to a court of justice, or by directing the Attorney General to proceed against the person selected, &c.

Mr. SERGEANT, of Pennsylvania, observed that, if there was no other objection to this resolution, it was inexpedient because not calculated to produce the effect proposed. As to the act of 1799, authorizing the Executive to retaliate on citizens of the French Republic, that act was preceded by a series of hostile acts which had brought us into a state of war with France, very different from the present state of our affairs with Spain. Our commercial intercourse was suspended with France, letters of marque were issued, and her vessels brought in for condemnation; and it had very lately been judicially decided by the Supreme Court, in a case before that tribunal, that this was an act of war against France. To justify the proposed measure by precedent, it was necessary to bring forward a case of reprisals being authorized in a state of profound peace. But this, Mr. S. said, was not the only objection. It was the worst measure that could be adopted, contemplating, as it must, one of two results. If you seek satisfaction by arresting a Spanish Consul, you must remain satisfied with that act of retaliation. What satisfaction would this be to Mr. Meade, or how would it bring about his liberation? But you have then taken your satisfaction, and if it does not operate in favor of Mr. Meade, does it in favor of your character? Would not that character, on the contrary, suffer injury from such a step? Certainly it would, Mr. S. said, and he protested against this doctrine of taking an equivalent by seizing an innocent man, throwing him in jail, and there keeping him until the Spanish Government should feel sufficient interest in him to liberate Meade. But, take the next view of the case. Suppose you don't mean to be satisfied with this step, if it should not produce the effect of restoring Meade to liberty; are you prepared to follow up the measure with war? Considered in either view, Mr. S. thought the measure injudicious. Besides, he said if we take this step, it puts us on bad ground; because, by taking satisfaction violently before we seek it peaceably, it places the country in an arrogant posture in the view of the world. There should be but one step taken in a course of this kind; do not take this first, and then the ulterior measure of war. No, if war was intended, go to it at once, and not begin by the paltry act of imprisoning a Spanish subject. There was a wide difference between an act of retaliation in time of peace and war. In the latter it was a measure *in terrorem*, to

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prevent unjust acts on the part of the enemy. The Executive had demanded the liberation of Meade, and it was proper to wait the answer of Spain. The way for the Legislature to proceed in the mean time, was to announce to Spain, that if justice be not done to our citizen, we will then support the Executive in any proper measures he may take to enforce it; not go forward first and tell the Executive what that course must be. A further objection to this course was, Mr. S. said, that we should enable Spain to keep the \$52,000 in her Treasury which was withheld from Meade, just as long as she should prefer the money to the liberty of the subject whom we should imprison, and that, he believed, would be long enough; besides at the same time prolonging equally the confinement of Meade. Mr. S. concluded by expressing his respect for the honorable feelings which had actuated Mr. TRIMBLE in making this motion; but he was obliged to withhold his approbation from the proposition, as one which his judgment could not sanction.

Mr. SPENCER, of New York, would vote for this resolution, he said, because it does something, and against the other because it does nothing. He read the resolution reported by the committee, which declares that the imprisonment of Meade was an act of cruel and unjustifiable oppression. This, he said, was strong language; and what did the committee recommend to meet a case of this cruel and oppressive character? Why, simply, that they would support the Executive in any measures which he might deem proper to obtain redress. Mr. S. would act differently; he would not leave the affair to a war of words and threats and proclamations. The man had been imprisoned already two years, and was not this, Mr. S. asked, long enough? Is it not time to adopt some mode of enforcing his release? It was true, we had, in some cases of injury, waited thirteen years, but should we be thus patient in every case, and let the present off with empty threats? He hoped not.

Mr. WILLIAMS, of North Carolina, said, he would vote against the amendment for exactly the same reasons as Mr. SPENCER had given for voting in its favor. The first resolution, Mr. W. thought, would go as far and do as much as was at present proper. It announces the determination of this House to support the President in any measures which he shall adopt to effect the object in view. What more could or ought the House to do? Shall we go to war? If gentlemen intend that, let them come forward, Mr. W. said, distinctly with the proposition. This House, he conceived, could not make a demand of the Spanish Government for the liberation of Meade; it would be going out of the line of their duty. It might simply declare its resolution to support the Executive measures, or it might authorize letters of marque and reprisal against Spanish subjects on the ocean; but it could not properly do the act proposed by the motion of Mr. TRIMBLE. Let us, he said, first see the effect of the Executive measures; if they fail, then it will be time enough to adopt the ulterior step.

Mr. FORSYTH, of Georgia, had no doubt of the power of the House to adopt the resolution proposed by Mr. TRIMBLE, and vest the President with all the authority that the law of nations allowed any nation to assume. But it did not follow, because we had the right that it was proper to exercise it; on the contrary, this would be opposing the injustice of a foreign Government, by committing an act of the same injustice ourselves. Was it right, he asked, to visit the practical sins of Spain upon unoffending persons in our power, or to treat unjustly, cruelly, and inhumanly, an innocent man residing here, because Spain had thus treated one of our citizens? In a state of war, Mr. F. said, retaliation was justifiable, but even then it could be justified by nothing but great necessity; then how much greater the necessity which would authorize it in a state of peace? Admitting that this measure was authorized, as he believed it was, by the law of nations, still we ought to reject it if it be inhuman and dishonourable. He condemned it, because it would be an act of that character, and because it would imitate the improper conduct of another nation. We have, said Mr. F., the power to punish Spain herself; why not exercise that power, instead of resorting to an act of injustice upon her subjects here? If we are to do anything, let us do that which honor demands, and even break the Spanish monarchy to pieces, if necessary, to wrest justice from her. But there were other considerations to be taken into view. The crime of Meade was not that of being an American, as had been represented; but it appeared that, for some transactions in the course of his business, he had been imprisoned by the judicial tribunals of Spain. We say he is confined unjustly. Be it so. We pronounce the decision of the Spanish courts unjust, and what, said Mr. F., do we propose to do? To lay violent hands on an innocent man, without even consulting the courts of justice. All men residing in this country, Mr. F. said, were answerable to the civil tribunals, and they could be confined, and even put to death if the law demanded it; but would it be an act of justice to seize an innocent man, and punish him for the act of his Government? Put the case to ourselves, Mr. F. said. Suppose a Spanish subject, residing within the jurisdiction of one of the States, is arrested and imprisoned for some transaction by one of our courts, and Spain complains of this as an act of injustice, and demands that he be liberated from prison, or absolved from punishment for a violation of our laws, would this House think it right for Spain to imprison and punish one of our citizens, because it followed a bad example set by another nation? Let us not, said he, act in retaliation; do not seize a consul, or other Spanish subject; but if the House choose to adopt violent measures to effect Mr. Meade's liberation, there were other ample means to do it; lay not your hands on an innocent individual, but rather seize all her property within your reach, and hold it on condition of restoring it when Mr. Meade should be released. But Mr. F. thought the resolution of the select committee

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went far enough. This resolution, backed by the feeling produced throughout the country by the agitation of the subject, would, he believed, produce all the effect which would be produced by Mr. TRIMBLE's proposition; but, if we are to go any farther, do not, said Mr. F., copy the cruelty and injustice of the nation which we condemn.

Mr. TRIMBLE, in the course of some remarks in reply to Mr. FORSYTH, said, he hoped the gentleman would turn out to be a true prophet respecting the effect he anticipated from the combined operation of the resolution of the committee, and of the public feeling. But if this prophecy turned out no better than what the gentleman had, on another occasion, predicted, about showing the responsibility of the Spanish Government, he would advise him never to come beyond the Alleghany mountains in the character of a prophet. But, Mr. T. said, the gentleman from Georgia would change the Spanish Consul for Florida, and thus we should, in effect, sell the liberty of a citizen for a little paltry land. When, said Mr. T., I go to war, it shall be for Cuba. Cuba, said he, is the right arm of the United States, cut off, and Halifax or Nova Scotia the left, and they must one day be reunited. This, said he, is the minimum of our dreams of glory, and that American who thinks upon a smaller scale is unworthy of the name of statesman.

Mr. FORSYTH rose in reply, and, amongst other remarks, observed, that he had not played the part of a prophet. It was true, that he had on a former occasion intimated that he should endeavor to show that Spain was responsible. He regretted that he was denied the opportunity of doing so; but there was not a disposition in the House to make her responsible, or support him in the attempt; could he have done it, he would; but he had found the effort would be useless. As to the measure he had suggested, he would not, he said, exchange one free citizen for all the territory Spain possessed; but he had contended, and still thought, that the seizure of Spanish property, and holding it conditionally, would be more humane, and would produce the liberation of our citizen, and exact justice from Spain much sooner than the imprisonment of an innocent individual.

The question was then taken on Mr. TRIMBLE's substitute, and decided in the negative, only about fifteen rising in its favor; and the resolution reported by the select committee was agreed to without a division.

FRIDAY, April 10.

Mr. ROBERTSON of Louisiana, from the Committee on the Public Lands, reported a bill for the relief of Jonathan D. Essary and John Seybold; which was read twice, and committed to the Committee of the Whole, to which is committed the bill supplemental to the several acts for the adjustment of land claims in the State of Louisiana and Territory of Missouri.

Mr. ROBERTSON of Louisiana, from the same committee, to which was referred bills from the

Senate of the following titles, to wit: "An act for the relief of Michael Jones," and "An act authorizing the disposal of certain lots of the public ground in the city of New Orleans and town of Mobile," reported the said bills without amendment.

The first mentioned bill was committed to the Committee of the Whole, to which is committed the bill supplemental to the several acts for the adjustment of land claims in the State of Louisiana and Territory of Missouri; and the last mentioned bill to the Committee of the Whole, to which is committed the bill explanatory of the act authorizing the sale of certain grounds belonging to the United States, in the City of Washington.

Mr. H. NELSON, from the Judiciary Committee, reported a bill to authorize the appointment of an additional judge for the district of Georgia; which was twice read, and, on the question to engross the bill for a third reading, it was decided in the negative; and the bill was rejected.

Mr. INGHAM, from the Committee on the Post Offices and Post Roads, who were instructed to inquire into the expediency of permitting the Governors of States and Territories to receive and transmit through the post office all official communications free of postage, made a report thereon; which was read, and the resolution therein contained was concurred in by the House as follows, to wit:

Resolved, That it is inexpedient to extend the privilege of franking to the Chief Magistrates of States and Territories.

Mr. INGHAM, reported a bill to extend the privilege of franking to the Secretary of the Senate and Clerk of the House of Representatives; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. DESHA, all the accounts and papers in the possession of the Clerk of this House, in relation to the accounts of James Thomas, a Quartermaster General in the army during the late war, were referred to the Attorney General of the United States.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act for the relief of Samuel F. Hooker," in which they ask the concurrence of this House.

The bill was read twice and referred to the Committee of Claims.

The bill from the Senate, in addition to an act for the relief of John Thompson; to incorporate the Mechanics' Relief Society of Alexandria; and to repeal part of the act to provide for surveying the coasts, were severally read the third time and passed.

Engrossed bills of the following titles, to wit: An act for the relief of the widow and children of Jacob Graeff deceased; An act for the relief of Benjamin Berry; An act for the relief of Mary Sullivan; An act for the relief of Jonathan Amory, jr., and the representatives of Thomas C. Amory, deceased; An act to incorporate the Columbian Institute for the promotion of arts and sciences; An act to authorize the payment

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in certain cases, on account of Treasury notes, which have been lost or destroyed; and, an act to increase the pay of the militia while in actual service, and for other purposes; were severally read a third time and passed.

An engrossed bill for the relief of Josiah Bullock was read the third time, and rejected by the House.

The bill for the relief of Henry King was re-committed to the Committee of the Whole, passed through the Committee, and was ordered to a third reading.

The bill for the relief of the owners of the ship *Ariadne*; the bill for the relief of Jonas Harrison; the bill for the relief of John Dillon; the bill for the relief of a company of rangers; the bill for the relief of Captain Benjamin Johnson and Captain Henry Gist; and the bill for the relief of a company of volunteer cavalry, passed through Committees of the Whole, and were severally ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have disagreed to the amendment proposed by this House to the bill, entitled "An act to make valid certain acts of the justices of the peace in the District of Columbia." They have passed the bill, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," with amendments. They have also passed bills of the following titles, viz: "An act for the relief of John Hall, late a major of marines;" and "An act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, 1808, and to repeal certain parts of the same;" in which amendments and bills they ask the concurrence of this House.

CASE OF JUDGE VAN NESS.

Mr. SPENCER, from the Judiciary Committee, rose and stated that he was instructed by that committee to submit the following resolution:

"Resolved, That a committee be appointed to inquire into the official conduct of William P. Van Ness, as Judge of the southern district of New York, with power to send for persons and papers; that the said committee shall continue during the present Congress, and may report at the present or ensuing session, by resolution or otherwise."

Mr. S. observed, that it would be recollected a resolution had passed the House early in the present session, directing the Judiciary Committee to inquire into the disposition of the funds of the district court of the southern district of New York. The committee had performed that duty, and had reported that the funds "had been nefariously purloined." In the course of the investigation, the conduct of the judge of the district had been somewhat implicated, but the committee considered themselves restricted by the resolution to the conduct of the clerk only. The committee, therefore, deemed it due to the character of the judge, as well as to the dignity of this House, that the inquiry should proceed, and

that an opportunity should be given to the judge to vindicate himself.*

Mr. H. NELSON, of Virginia, moved to insert the name of William Stevens, judge of the district court of Georgia; which was carried.

Mr. FORSYTH moved to insert the name of Mathias B. Tallmadge, judge of the northern district of New York.

Mr. SPENCER cheerfully assented to the amendment, and stated as a reason for not originally introducing the name of Judge Tallmadge, that the resolution submitted by him seemed to be a necessary consequence of the resolution originally directing the inquiries of the Judiciary Committee; that Judge Tallmadge was anxious an inquiry should be made, and the introduction of his name would be gratifying to him.

A motion was made by Mr. FORSYTH, to give the committee power to sit during the recess; on which a discussion arose in which Mr. FORSYTH, Mr. HOLMES, of Massachusetts, Mr. WILLIAMS, of North Carolina, and Mr. MERCER, supported the motion; and Mr. STROTHER opposed it; and it was finally lost.

The resolution, as amended, was then agreed to, without a division, and a committee of five appointed; and Mr. SPENCER, Mr. HOPKINSON, Mr. LIVERMORE, Mr. WILLIAMS, of Connecticut, and Mr. BLOOMFIELD, were appointed the said committee.

FUGITIVES FROM JUSTICE.

A motion was made by Mr. PINDALL, that the House do now proceed to consider the amendments proposed by the Senate, to the bill, entitled "An act to provide for delivering up persons held to labor or service in any of the States or Territories, who shall escape into any other State or Territory." And the question being taken thereon, it was determined in the negative—yeas 63, nays 73, as follows:

YEAS—Messrs. Abbott, Austin, Baldwin, Bassett, Bloomfield, Blount, Colston, Cook, Culbreth, Desha, Earle, Floyd, Forney, Forsyth, Garnett, Hall of North Carolina, Herbert, Hogg, Johnson of Virginia, Johnson of Kentucky, Linn, Little, Lowndes, McCoy, Marchand, Mason of Massachusetts, Mercer, Middleton, Miller, Moore, Mumford, H. Nelson, T. M. Nelson, Ogle, Owen, Parrott, Peter, Pindall, Pleasants, Poin-dexter, Reed, Rhea, Ringgold, Robertson of Louisiana, Ruggles, Sampson, Sawyer, Settle, Simkins, Slocumb, S. Smith, Ballard Smith, Alexander Smyth. J. S.

* J. C. SPENCER requests the editors of the *Intelligencer* to state, that the substance of his remarks on submitting the resolution of inquiry into the conduct of the judge of the southern district of New York, as published in that paper, has, as he is informed, been misunderstood. It was not intended by him to communicate the idea, that the Judiciary Committee thought there was evidence of criminality in Judge Van Ness, before the committee; such an idea would have been inconsistent with the sentiments expressed by the committee. He meant to be understood, that there was evidence which justified an inquiry, that was due as well to the judge as to the judicial character of the country.

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Smith, Speed, Spencer, Stewart of North Carolina, Strother, Trimble, Tucker of South Carolina, Tyler, Walker of North Carolina, and Williams of North Carolina.

NAVS—Messrs. Adams, Allen of Vermont, Ball, Bateman, Bennett, Boden, Boss, Campbell, Clagett, Crafts, Cruger, Darlington, Drake, Ellicott, Gage, Hale, Hall of Delaware, Hasbrouck, Hendricks, Herkimer, Hiester, Hitchcock, Holmes of Massachusetts, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Huntington, Ingham, Irving of New York, Jones, Kinsey, Kirtland, Lawyer, Livermore, W. Maclay, W. P. Maclay, Mason of Rhode Island, Merrill, Morton, Moseley, Murray, Jeremiah Nelson, Palmer, Patterson, Pawling, Pitkin, Porter, Rice, Rich, Richards, Rogers, Savage, Scudder, Sergeant, Shaw, Sherwood, Silsbee, Talmadge, Tarr, Taylor, Tomkins, Townsend, Upham, Wallace, Wendover, Westerlo, Whiteside, Whitman, Williams of Connecticut, Williams of New York, Wilson of Massachusetts, and. Wilson of Pennsylvania.

NAVIGATION BILL.

The House then resolved itself into a Committee of the Whole on the bill from the Senate concerning navigation.

Mr. FORSYTH rose, and, having declared his preference for this bill over that reported in this House on the same subject, proceeded to support the bill in a speech of considerable length. Mr. F. did so in consideration of that bill having been already acted on in one branch of the Legislature, and of the extraordinary unanimity with which it had passed that branch; not that he thought it preferable to the bill reported by the Committee of Foreign Relations in the House; on the contrary, he believed the details of the latter bill better; but, under the circumstances mentioned above, and having the same object, he thought it advisable to pass the former.

Mr. HOLMES, of Massachusetts, next rose, and intimating an intention to enter into the subject at a length too great to be completed to-day, (it being 4 o'clock,) a motion was made that the Committee rise, that Mr. H. might commence his remarks to-morrow; but the Committee refused, by a majority of 10, to rise. Mr. HOLMES then made his remarks in opposition to the bill, at some length. Mr. H. was followed by Mr. SILS-BEE and by Mr. CLAY, both decidedly in favor of the bill.

SATURDAY, April 11.

Mr. INGHAM, from the Committee on the Post Office and Post Roads, who were instructed to inquire into the expediency of establishing in one of the Western States a branch of the General Post Office, for the purpose of making contracts for the conveyance of the mail, and to correct abuses in that department, made a report unfavorable to such a measure; which was read and ordered to lie on the table.

Mr. LOWNDES, from the Committee of Ways and Means, reported a bill supplementary to the several acts making appropriations for the year 1818; which was read twice, and committed to a Committee of the Whole.

Mr. POINDEXTER, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act confirming Anthony Cavalier and Peter Petit in their claim to a tract of land," reported the same without amendment, and the bill was ordered to lie on the table.

The Committee of the Whole, to which is committed the bill to increase the duties on certain manufactured articles imported into the United States, were discharged, and the said bill was committed to the Committee of the Whole, to which is committed the bill to increase the duties on iron in bars and bolts, iron in pigs, castings, nails, and alum, and to disallow the drawback of duties on the re-exportation of gunpowder.

Mr. BARBOUR, of Virginia, from the committee to whom was referred the Message of the President of the United States of the 27th of March, 1818, and accompanying documents upon the subject of the expense incurred under the 4th, 5th, 6th, and 7th articles of the Treaty of Ghent, with instructions to inquire into the nature and causes of said expenses, and into the principles upon which the Commissioners under the 6th and 7th articles of said treaty have proceeded in the execution thereof, made a report thereon; which was read and referred to a Committee of the Whole on Tuesday next.

The bill from the Senate, entitled "An act for the relief of John Hall, late a major of marines," was read twice, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act in addition to 'An act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the 1st day of January, in the year of our Lord 1808,' and to repeal certain parts of the same," was read twice, and referred to the Committee on the Judiciary.

The amendments proposed by the Senate to the bill, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," were read, and referred to the Committee on the Judiciary.

The House took up and proceeded to consider the message from the Senate, announcing their disagreement to the amendment proposed by this House to the bill, entitled "An act to make valid certain acts of the justices of the peace in the District of Columbia;" whereupon the House resolved that it insist on their said amendment, and ask a conference with the Senate upon the subject matter thereof, and that managers be appointed to attend the said conference on the part of this House; and Messrs. PINDALL, HERBERT, and TRIMBLE, were appointed the said managers.

The report of the Secretary of State, upon the petition of Jonathan Elliot, together with the said petition, was referred to a select committee, and Messrs. BURWELL, JOHNSON, of Kentucky, and SIMKINS, were appointed the said committee.

Engrossed bills of the following titles, to wit: An act for the relief of John Dillon; An act for

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the relief of Jonas Harrison ; An act for the relief of a Company of Rangers ; An act for the relief of Captain Henry Gist and Captain Benjamin Johnson ; An act for the relief of volunteer mounted cavalry ; and An act for the relief of Henry King ; were severally read the third time, and passed.

SHIP ARIADNE.

An engrossed bill for the relief of the owners of the ship *Ariadne* and her cargo was read the third time. And on the question, Shall it pass ? it was determined in the negative—yeas 52, nays 82, as follows :

YEAS—Messrs. Adams, Allen of Massachusetts, Austin, Baldwin, Bloomfield, Butler, Campbell, Darlington, Hall of Delaware, Herkimer, Holmes of Connecticut, Hopkinson, Huntington, Irving of New York, Kirtland, Lawyer, Linn, Livermore, Lowndes, Mason of Rhode Island, Mercer, Miller, Moseley, J. Nelson, Ogden, Pawling, Peter, Pindall, Pitkin, Pleasants, Poindexter, Reed, Rice, Richards, Ruggles, Sawyer, Schuyler, Sergeant, Seybert, Sherwood, Slocumb, S. Smith, Alexander Smyth, Stewart of North Carolina, Stuart of Maryland, Terry, Townsend, Upham, Westerlo, Whitman, Williams of Connecticut, and Wilson of Massachusetts.

NAYS—Messrs. Allen of Vermont, Ball, Barbour of Virginia, Bassett, Bennett, Blount, Boden, Clagett, Comstock, Cook, Crafts, Crawford, Cruger, Culbreth, Desha, Earle, Edwards, Ellicott, Ervin of South Carolina, Floyd, Folger, Forney, Forsyth, Gage, Garnett, Hale, Hall of North Carolina, Harrison, Hasbrouck, Hendricks, Herrick, Hiester, Hogg, Hubbard, Hunter, Ingham, Johnson of Virginia, Jones, Kinsey, Little, W. Maclay, W. P. Maclay, McCoy, Marchand, Merrill, Moore, Mumford, Murray, H. Nelson, T. M. Nelson, Ogle, Owen, Patterson, Porter, Quarles, Rhea, Rich, Ringgold, Robertson of Louisiana, Rogers, Sampson, Savage, Scudder, Settle, Shaw, Simkins, B. Smith, Southard, Speed, Strong, Tallmadge, Tarr, Tompkins, Tucker of South Carolina, Tyler, Wallace, Wendover, Whiteside, Williams of New York, Williams of North Carolina, Wilkin, and Wilson of Pennsylvania.

So the bill was rejected.

NAVIGATION BILL.

The House then went into the consideration of the bill from the Senate, "concerning navigation," which was yesterday reported to the House by the Committee of the Whole, without amendment.

The bill being now put on its passage to a third reading, Mr. PITKIN rose, and spoke more than an hour in its support.

The question on ordering the bill to a third reading was then taken and decided in the affirmative—yeas 123, nays 16, as follows :

YEAS—Messrs. Abbott, Allen of Massachusetts, Allen of Vermont, Baldwin, Barbour of Virginia, Barber of Ohio, Bassett, Bateman, Bennett, Bloomfield, Boden, Butler, Campbell, Clagett, Colston, Comstock, Crafts, Crawford, Cruger, Culbreth, Cushman, Darlington, Desha, Drake, Earle, Edwards, Floyd, Folger, Forney, Forsyth, Gage, Hale, Hall of Delaware, Hasbrouck, Hiester, Hitchcock, Hogg, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Huntington, Ingham, Irving of New York, Johnson of Kentucky,

Kinsey, Kirtland, Lawyer, Lewis, Linn, Little, Livermore, Lowndes, W. Maclay, W. P. Maclay, McCoy, Marchand, Mason of Rhode Island, Merrill, Miller, Moore, Morton, Moseley, Mumford, Murray, Jeremiah Nelson, H. Nelson, T. M. Nelson, New, Ogden, Owen, Palmer, Parrott, Patterson, Pawling, Pindall, Pitkin, Pleasants, Poindexter, Porter, Quarles, Reed, Rhea, Rich, Richards, Ringgold, Robertson of Louisiana, Rogers, Ruggles, Sampson, Savage, Scudder, Sergeant, Settle, Seybert, Shaw, Sherwood, Silsbee, Simkins, Samuel Smith, Bal. Smith, Alexander Smyth, J. S. Smith, Southard, Spencer, Strong, Strother, Tallmadge, Tarr, Taylor, Terry, Tompkins, Townsend, Tyler, Upham, Walker of Kentucky, Wallace, Wendover, Whiteside, Whitman, Williams of New York, Williams of North Carolina, and Wilkin.

NAYS—Messrs. Adams, Austin, Ellicott, Ervin of South Carolina, Garnett, Hall of North Carolina, Harrison, Hendricks, Herrick, Holmes of Massachusetts, Johnson of Virginia, Mercer, Peter, Rice, Stewart of North Carolina, and Wilson of Massachusetts.

The bill being thus ordered to a third reading, was forthwith read a third time, and passed.

MONDAY, April 13.

Mr. LOWNDES, from the Committee of Ways and Means, to which were referred the bills from the Senate, entitled "An act for the relief of the president and directors of the Merchants' Bank of Newport, in Rhode Island," and "An act for the relief of Louis and Antoine Duquindue," reported the same without amendment, and they were committed to a Committee of the Whole tomorrow.

Mr. HUGH NELSON, from the Committee on the Judiciary, to which were referred the amendments proposed by the Senate to the bill, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," made a report ; whereupon it was resolved that they concur in all the said amendments, except the two latter, to which they disagree.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payment thereon," in which they ask the concurrence of this House.

The said bill was read twice, and referred to the Committee on the Public Lands.

Mr. HUGH NELSON, from the same committee, to which was referred the bill from the Senate, entitled "An act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808, and to repeal certain parts of the same," reported the said bill with two amendments ; which were read and concurred in by the House, and the bill was ordered to lie on the table.

Ordered, That the Committee of the Whole, to which are committed the bill supplementary to an act regulating duties on imports and tonnage, passed the 27th of April, 1816 ; the bill supplementary to an act, entitled "An act to regulate

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the collection of duties on imposts and tonnage, passed the 2d day of March, 1799;" and the bill providing for the deposite of wines and distilled spirits in public warehouses, be discharged, and that the first mentioned bill be postponed indefinitely, and that the two latter lie on the table.

The bill for the relief of James Mackey was taken up and ordered to be engrossed.

Mr. BASSETT made an unsuccessful motion to take up the report of the Committee on Pensions, unfavorable to the petition of Richard G. Morris.

The bill for the relief of Isaac Briggs passed through the Committee of the Whole, and was ordered to a third reading.

A message from the Senate informed the House that the Senate have passed a bill of this House, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the act therein mentioned," with amendments, in which they ask the concurrence of this House. They have agreed to the conference asked by this House, upon the subject-matter of the disagreeing vote of the two Houses, on the amendment depending to the bill, entitled "An act to make valid certain acts of the justices of the peace of the District of Columbia."

The House went into a Committee of the Whole, on the bill for the relief of John B. Dabney. The bill was reported without amendment, and ordered to be engrossed and read a third time.

The bill for the relief of Thomas Carr, was considered in Committee of the Whole, and the House, having refused the Committee leave to sit again on the bill, laid it on the table.

The bill in addition to an act giving pensions to the widows and orphans of persons slain in the public and private armed vessels of the United States, passed through a Committee of the Whole, and was ordered to be engrossed.

This Committee was, on motion, discharged from the consideration of the petitions of Mrs. Lawrence and Mrs. Arundel, and the petitions laid on the table.

The House then went into a Committee of the Whole on the bill repealing so much of an act as allows pay and emoluments to brevet rank, and on the bill from the Senate "regulating the pay and emoluments of brevet rank."

The Committee rose and reported the bills without amendment; when the bill last mentioned, from the Senate, was ordered to a third reading, and the former, the bill of this House, postponed indefinitely.

The House next resolved itself into a Committee of the Whole on the bill to increase the duties on imported iron in bars and bolts, iron in pigs, castings, nails, and alum, and to disallow the drawback of duties on the re-exportation of gunpowder.

The discussion of the object of this bill, and of the details, consumed more than two hours; in which Messrs. CLAY, KINSEY, SMITH of North Carolina, SMITH of Maryland, MORTON, and SERGEANT, were the most active.

The Committee rose without taking any question, and obtained leave to sit again.

Mr. SLOCUM, from the managers on the part of this House, on the disagreeing votes of the two Houses, on the amendments of this House to the bill directing the mode of appointing Indian agents, &c., made a report, which was read, and ordered to lie on the table.

LAND CLAIMS, &c.

The House then went into a Committee of the Whole on the bill "supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Territory of Missouri." [The general object of the bill is to authorize Boards of Commissioners to adjust all land claims of certain classes, in Louisiana and Missouri, but in fourteen long sections embraces a variety of details, confirming and adjusting certain other land claims under French and Spanish grants.]

Mr. LOWNDES, not from any hostility to the bill, or its objects, which he did not go into the consideration of, but from a belief that it was impossible, at this late period of the session, to bestow the proper attention on the multifarious provisions of the bill, or act on them with a deliberation necessary to act safely, moved that the Committee rise and report the bill, that it might be laid by for the present session.

Mr. ROBERTSON, of Louisiana, and Mr. POINDEXTER, severally opposed the motion, and urged the propriety of acting on the bill during the present session, as the object was one of great interest to many of the inhabitants of Louisiana and Missouri.

Without taking a question on Mr. LOWNDES's motion, which was withdrawn, the Committee passed by this bill; and

The Committee then took up, in succession, the bill for adjusting the claims to land and establishing land offices in the district east of the island of Orleans; the bill for the relief of Jonathan D. Essary and John Seybold; and the bill from the Senate for the relief of Michael Jones. The Committee then rose, and reported these bills to the House.

The two bills first named, were then, after some opposition from Mr. ROBERTSON and Mr. POINDEXTER, laid on the table, and the two bills last named, ordered to be engrossed for a third reading.

And then the House adjourned.

TUESDAY, April 14.

The SPEAKER laid before the House a letter from Edwin Lewis, soliciting the House to take into consideration the charges preferred by him at the last session, against Harry Toulmin, a Judge in the late Territory of Mississippi, and at present a Judge in the Territory of Alabama, and stating that he is prepared to substantiate the said charges.—Referred to the Committee on the Judiciary.

Mr. H. NELSON, presented a memorial of the clerks employed in the Executive offices of the

Government at Washington, praying for an increase of compensation.—Referred

Mr. WILLIAMS, of North Carolina,* from the Committee of Claims, reported a bill for the relief of Samuel H. Harper, which was read twice, and committed to a Committee of the Whole, to which is committed the bill for changing the compensation of the registers and receivers of land offices.

Mr. INGHAM, from the Committee on the Post Office and Post Roads, reported a bill to increase the compensation of deputy postmasters in certain cases; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. SEYBERT, from the Committee of Commerce and Manufactures, reported a bill making the port of Bath, in Massachusetts, a port of entry for ships or vessels arriving from the Cape of Good Hope, and from other places beyond the same; and for establishing a collection district, whereof Belfast shall be the port of entry; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. H. NELSON, from the Committee on the Judiciary, who were instructed to inquire what fees have been charged and received by the district attorney of the southern district of the State of New York, in prosecutions brought by him against retailers of spirits, for vending them without license; and also, what fees have been received and charged by the other officers of the United States, in the said southern district of the State of New York; and who were further instructed to prepare and report a bill of fees for the officers of the United States, in the courts of the United States, made a report; which was read, and ordered to lie on the table.

Mr. ROBERTSON, of Louisiana, from the Committee on Public Lands, to which was referred the bill from the Senate, entitled "An act to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payment thereon," reported the same without amendment, and the bill was ordered to be read a third time to-morrow.

Mr. LOWNDES, from the Committee of Ways and Means, reported amendments to be proposed to the bill supplementary to the several acts relative to direct taxes and internal duties; which were read and ordered to lie on the table.

On motion of Mr. TAYLOR, the Committee of the Whole were discharged from the further consideration of the report of the select committee appointed to inquire into the expenses incurred under the 4th, 5th, 6th, and 7th articles of the Treaty of Ghent, and the same were referred to a select committee; and, Mr. TAYLOR, Mr. WILLIAMS of Connecticut, Mr. CLAIBORNE, Mr. RICH, Mr. MORTON, Mr. SHERWOOD, and Mr. BALLARD SMITH, were appointed the said committee.

Mr. SMITH, of Maryland, laid before the House an act of the Parliament of Great Britain, entitled "An act to allow British plantation sugar and coffee imported into Bermuda in British ships, to be exported to the territories of the United States of America in foreign ships or

vessels, and to permit articles the production of the said United States, to be imported into the said island in foreign ships or vessels," passed on the 1st of July, 1812; which was ordered to lie on the table, and be printed for the use of the members of Congress.

Bills of the Senate, of the following titles, to wit: An act relating to the pay and emoluments of brevet officers; An act, in addition to an act, giving pensions to widows and orphans of persons slain in the public or private armed vessels of the United States; and, An act for the relief of Michael Jones; were severally read the third time, and passed.

The bill from the Senate, entitled "An act for the relief of Isaac Briggs," was read a third time, and passed as amended.

Engrossed bills of the following titles, to wit: An act for the relief of James Mackay, of the Missouri Territory; An act for the relief of John B. Dabney; and, An act for the relief of Jonathan D. Essary and John Seybold, were severally read a third time, and passed.

On motion of Mr. MERCER,

Resolved, That the Secretary of the Treasury be requested to lay before this House, a statement of the number and respective dates of the contracts made for the completion of the Cumberland road, exhibiting therein, the names of the several contractors, the extent of the road provided for by each contract, and the cost thereof per lineal, and of all the mason work per solid perch; that the said statement furnish, where practicable, the cost of the several bridges erected upon the said road; that it also present the total cost of the said road, the extent thereof already completed or contracted for; and of the part thereof for which no contract has been made, with the probable expense of completing the same; that there be subjoined to the said statement a report of the greatest elevation of any part of the said road, the average breadth thereof, and of the bed of stone or gravel laid thereupon, with the depth of the materials at the sides and in the centre of such bed; also, what provision, if any, has hitherto been made for keeping the whole, or any part, of the said road in repair; and the past expense, if any, attending such repairs.

A message from the Senate informed the House that the Senate have considered the report of the conferees on the disagreeing vote of the two Houses on the amendment of this House to the bill, entitled "An act directing the manner of appointing Indian agents, and continuing the act for establishing trading-houses with the Indian tribes; and have disagreed to the first, and agreed to the second recommendation of the conferees. The Senate have passed the bill of this House, entitled "An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," with amendments; and they have passed a bill, entitled "An act, in addition to an act, to incorporate the subscribers to the Bank

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of the United States;" in which amendments and bill they ask the concurrence of this House.

The amendments proposed by the Senate to the bill, entitled "An act, in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," were read, and referred to the Committee on Foreign Relations.

The House took up and proceeded to consider the bill providing for the deposit of wines and distilled spirits in public warehouses; and the same being amended, was order to be engrossed, and read a third time to-morrow.

Ordered, That the report of the Committee of Claims, made on the 11th of March last, upon the subject of an extension of the provisions of the act of the 9th of April, 1816, making payment for property lost, captured, or destroyed, in the late war, be recommitted to the Committee of Claims.

The bill from the Senate, entitled "An act, in addition to an act, to incorporate the subscribers to the Bank of the United States," was read the first time; and the question being taken, Shall it now now be read a second time? it was determined in the negative.

The amendments proposed by the Senate to the bill, entitled "An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," were read, and referred to a select committee; and Messrs. POPE, HENDRICKS, ROBERTSON of Kentucky, JONES, and NESBITT, were appointed the said committee.

The House took up the report of the conferees on the disagreeing votes of the two Houses on the bill directing the mode of appointing Indian agents, &c.; and,

On motion of Mr. SLOCUMB, the House resolved to *recede* from their amendment to said bill, to which the Senate have disagreed, and agree to the amendment contained in the second recommendation of the conferees.

COLLECTION OF THE REVENUE.

The House then, on motion of Mr. LOWNDES, took up for consideration the bill supplementary to the act to regulate the collection of duties on imports and tonnage, passed 2d March, 1799.

The bill contains twenty-seven sections, embracing numerous provisions to insure the more rigid collection of the duties on imports, and to prevent frauds and evasions thereof. In going through and considering the various details of this bill, and discussing motions to amend them, the House employed some time. Messrs. LOWNDES, SILSBEE of Rhode Island, J. NELSON, WENDOVER, SAMPSON, and PALMER, were the gentlemen who took part in maturing the bill.

The most material amendment proposed, was one offered by Mr. SILSBEE, to add a new section, providing "that masters, or other persons having charge of vessels which may arrive from a foreign port, within any district, on their way to another district of the United States, shall not be

required to make entry of the vessel, or pay hospital money or tonnage duty, in the district where she may first arrive, nor to proceed from the place at which the vessel may first arrive, to any other place within said district, for the purpose of making a report."

This motion was, after some debate, negatived without a division; and the bill was ordered to be engrossed for a third reading.

ADDITIONAL DUTIES.

The House then again resolved itself into a Committee of the Whole, on the bill to increase the duties on iron in bars and bolts, iron in pigs, castings, nails, and alum, and to disallow the drawback on gunpowder; the motion to strike out the first section, being under consideration—

Mr. SERGEANT spoke at much length in support of this bill, and of the expediency of extending additional protection to the manufactures interested in the bill.

Mr. SMITH, of North Carolina, rose, he said for the purpose of moving to strike out the first section of this bill; and I hope, said he, the motion will not be thought unfair, when I state, that I am opposed not only to the proposition to increase the duty on iron, but to the bill *in toto*. On the subject of the discriminating duty proposed to be laid on bar iron, made by rolling, I beg leave to differ in opinion with my friend from South Carolina, (Mr. LOWNDES.) He doubts the propriety of imposing such a duty; he supposes that the manufacturer is always the purchaser, and that he should be a competent judge. Experience has taught me, that that is not the fact. The importing merchant brings the article into market for the purpose of profit; he cares nothing about the goodness of the article, if it yield him his usual per centage. The farmers, the great consumers of this article, exchange their produce for it with the merchant; they are not sufficiently skilled in this traffic to detect the imposition themselves. And so cunning are the makers of it, that, since a discriminating duty has been imposed on this rolled iron, they have run it under the hammer, to evade the duty and to cover the deception more completely; it is not until it is carried to the blacksmith, or the manufacturer, that the real quality of this iron is discovered. I concur in the statement made by the gentleman from Pennsylvania (Mr. SEYBERT) that this iron is little more than pot-metal in bars, and that it is, in fact, good for nothing. My own impression is, that if such materials are permitted to come into our market lower than genuine bar iron, that our mechanics will purchase it, and permit it to enter into our domestic manufactories; and, if they do, it will undoubtedly bring our manufactories into disrepute. Again, if it is permitted to enter into our ship building, it will be productive of a great evil. I will not oppose the discriminating duty now in existence; but, to return to the main question, I have said that I am opposed to increasing the duty on bar iron. It is true, that the iron masters in New Jersey and Pennsylvania have made a great noise on

this subject; but the difficulty under which they labor is altogether temporary. During the late restrictive system and the war, there was a great accumulation of iron in the Russian and Swedish markets; whilst, at the same time, and from the same cause, the article became scarce and dear in the United States. At the termination of the late war, this, as all other articles made its way, in great quantities, into our market. The importation was much greater than the demand; hence, it could only be sold at a sacrifice by the importer. The merchant was obliged to sell.

I have been informed, from a quarter on which I think I can rely, that bar iron, of good quality, during the year 1816, sold, in Philadelphia and New York, at from sixty-four to sixty-eight dollars a ton, which cost the importing merchant from eighty-five to ninety dollars. This state of things cannot last. The merchant will not import, unless he has some prospect of selling at a profit. But, sir, I have authentic evidence before me, that iron has raised, since the peace in Europe, twenty per cent. in Russia and Sweden. Good iron cannot be imported, under the existing duty of nine dollars per ton, for less than one hundred and ten dollars per ton. I have also information before me that, in New Jersey, where the greatest complaint is, that a ton of bar iron can be made from their bloomeries, at eighty-five dollars per ton—a difference of thirty dollars in the ton. If this is true, the case is not as it is represented by the *ex parte* evidence before us. And where do these complaints come from? They come from the vicinity of the cities of Philadelphia and New York, two great commercial towns. Iron made here, comes in direct competition with that imported, and that which has been sacrificed under the hammer, as I have stated. There wood is scarce, and of much value; there labor is very high also; and provisions higher than in any part of this country. These works grew up, many of them during the late war, and during the restrictive system that preceded it. In such situations, it could not be expected that works of that kind could flourish at any other time. They had no pledge from this Legislature, that duties should be laid and continued for their support; nor are we bound to sacrifice the great interests of this country to prop such fungus establishments. They like other speculators, expected to profit by the necessities of their neighbors; let them, then, stand on their own bottom. If this basis is not sufficient, let them go down.

Some of this iron is of superior quality; it sells in the market at from ten to fifteen dollars less per ton, than Russian or Swedish iron; whilst, at the same time, at Baltimore and other places, the iron, made in that quarter, sells at from five to ten dollars preference per ton. Their bloomed iron is too much like the English rolled iron. It is a question whether we should encourage the production of this iron in the United States. It is important that your iron should be of the best quality. Your cannon, and all your implements of war, should be made, of the very best materials. Your ship builders require iron of the best quality

likewise. The truth of this can be evidenced by the statement made by the gentleman from Massachusetts (Mr. SILSBEE,) who stated to you, that vessels had been lately lost from the brittleness of the iron used in their making. But, again sir, this iron enters into your domestic manufactures also; and, in my opinion, it is not the interest of this country to encourage the production of inferior iron; for, if it is brought into your market, the mechanics will purchase it, and it will enter into your domestic manufactures. They will be inferior in quality; which will be calculated to injure their character in your own market; this will encourage the exportation of the articles from England, our great rival in iron manufactures. But, sir, the alarm is sounded—you are told, that, if these works go down, the business of making iron is lost to your country forever; and that, if war should again come, you are ruined. This I deny, and against such doctrine, permit me now to enter my protest. At this time, the works in the interior of your country ask of you no protection; there are only about fifty petitions on your table; they bear but a small proportion to the number that are in the United States. All the works are doing well at this time. Where they are well situated for the business, their owners are making large fortunes. In the part of the country from which I come, the domestic iron has a preference to the best Russian and Swedish iron, for most purposes, and it sells lower by one or two cents in the pound, whilst both pay the same carriage. And, sir, at this time, there are seven new States in this Union, and two great Territories, that have yet to get their iron from the North and interior, or from foreign nations; all these States and Territories have iron ore of the best quality, and in the greatest abundance. So pure is this ore, that, I am informed, it can be wrought into spikes and horse-shoes from the ore bank. Wood is inexhaustible; pit coal abounds in great quantities; provisions are cheaper there than in any part of the world, and the price of labor is lower than in the North. Where slaves can be employed, their labor is always cheaper than that of white men. The seasons in the South differ from the North; in the former you can labor all the season, in the latter you cannot.

Now, I would ask, if these people are going to suffer for iron? No, sir, very soon they will supply themselves. Yes, sir, and the North can be supplied from that quarter, should they need it. And should a market present itself to them, they will be able to supply the whole globe. Those who are not conversant with the history of that country may say, that, it being in the interior, the carriage will prevent its coming into market. Should such an opinion exist, it is a mistaken one. They have the finest rivers in the world, intersecting the country in every direction. And, since the power to propel boats, by steam, has been invented, they have every facility for their commerce. If all this be true, can we not supply ourselves in war, as well as in peace, with this necessary article—nay, I would say, this indispensable article?

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We achieved our independence with less facilities than we have at this time, all will admit; and, in a recent war, we succeeded equally well. Why, then, do they appeal to our fears?

But, sir, I have another objection to this proposed increase of duty on bar iron: it is taxing the raw material of our extensive domestic manufactories. At this time, we make all kinds of tools, for the various mechanics in this country; at home; also, all the implements of our agriculture are made in this country. In fact, there is no species of manufactures in the United States that are so extensive, or so useful, as that just mentioned. The duty proposed to be laid on bar iron, by the bill now before the Committee, is twenty-five per cent. ad valorem; and the duties on foreign articles, imported into the United States, of which iron is the chief article of value, is only charged with a duty of twenty per cent. ad valorem. Is this the way that domestic manufactories are to be encouraged? This is certainly new doctrine. Alexander Hamilton, who was the great advocate for manufactures at home, always enforced the idea, that the raw materials should come into this country clear of duty. In his able report to the House of Representatives, in 1790, on the subject of domestic manufactures, he tells you, in very direct terms, that this very article of bar iron should come into your country free of duties. His opinion was, that, by encouraging the manufacture of the article you would increase the demand, and thereby its production at home; and that the iron works would be benefited. He advanced the same doctrine as respects copper, tin, zinc, old pewter, &c. These are, most of them, free in your present tariff. But, sir, the wisacres of the day, the new political economists of the North, have found out that Mr. Hamilton was wrong, and that Adam Smith's *Wealth of Nations* has been a curse to this country. But, sir, do not they advance the same doctrine when they say, encourage and protect our cotton factories to the North; this is the way to encourage the production of the raw material in the South? Why, then, is not Mr. Hamilton's doctrine, as regards iron, true likewise? The highest tax or duty that ever was imposed on bar iron before the war was fifteen per cent. ad valorem, two and a half of this was the Mediterranean fund duty, which was never considered a permanent duty. But, sir, your petitioners must have thirteen and five-sixths per cent. more than was ever laid before. And they appeal to your patriotism—they tell you that you should protect every branch of industry in your country. And, sir, so you should; but you should never sacrifice the interest of the many to the cupidity and mercenary views of the few. But, sir, here—here is the objection: the great agricultural interest must bend before these mercenary few—these fat capitalists. Agriculture must pay the premium; she must be taxed; and the farmer, the most remote from trade, must be taxed most. Yes, sir, the man who has the fewest natural advantages, must be taxed most—he

is the greatest consumer of iron. To get the surplus product of his honest labor to the market, he must have wagons, carts, horses, &c. These require much iron to keep them in repair. But, sir, what has been the course of these iron masters? When they found that war had excluded foreign iron from our market, did they say to the farmer: Come, now that war exists, you cannot get iron from foreign markets—you must have it—but we sympathize with your misfortunes—you are hard pressed—your produce will bring nothing—come, we can make it as cheap as ever—labor is cheaper—provisions are cheaper, and the demand is greater—you shall have it at the old price. Was this their language? No, sir—no. Say they, come now; we have the advantage; the farmer must have it; he is obliged to buy from us; come, let us make our fortunes. Iron rose from 50 to 75 per cent. cash; no credit now; at the same time the farmer's tobacco was rotting in his barn; it would not bring three dollars per hundred; his wheat spoiling in his garners; flour would not bring four dollars a barrel; his land, his house, his everything, taxed to support the cause of his country, at the same time. Did the capitalist sympathize for the farmer? No, sir; the iron master's patriotism, his sympathy, was suspended; nor never would he have thought of it again, but for his own dear self, who thought it a good pretext to get the advantage of the farmer a little once more. Sir, I look upon agriculture as the first, and the greatest interest of this country; and while I am honored with a seat on this floor, I will always raise my voice in its support, and against these monopolizing principles. If this bill is adopted, it will impose a considerable tax on your agriculture. But, poor old Agriculture? She is, I am fearful, doomed soon to be the pack-horse of manufactures and of commerce. They are always seeking to get some advantage by getting monopolies. Honest old Agriculture has no such feeling; she knows no such principles. All that she asks of you is to keep your hands off her; she is strong; she is athletic; let her alone and she can, she will protect herself. When the clarion of war is sounded, who is the most able and the most willing to take the field to defend your nation's rights? It is the farmer. Is his soil invaded? If it is, he will offer his life in the defence of it. He is stout and strong; his whole life, from infancy to manhood, is as a campaign. When he is called to the field, it is nothing new to him to be exposed. Now contrast the case of the manufacturer; any place is his country where his profits are the greatest. Is he to take the field to defend his country, he is weak; he has been raised in a store-room, under a covert; he is unable to stand against the cold, chilling blasts of the north, rain and snow. Nor is he even able to stand the scorching rays of a meridian sun. These facts have been but too fatally demonstrated.

But, sir, it is said your country cannot prosper unless you encourage manufactures. How is this? Has any country ever equalled this in the

same time? It has been agricultural solely, or nearly so. In less than fifty years this Republic has become a great nation; second in commerce; second as a naval power; most brave in the field; most skilful and most victorious on the water; rich—independent.

But, sir, I hope I shall not be viewed as an enemy to domestic manufactures. They are growing up in our country, and, as we progress towards a more perfect state of internal improvement and agriculture, they will increase. When the population becomes dense, when emigration shall cease in a great degree, when the fine lands of the West and South shall be disposed of, then will manufactures begin to raise their heads. I think it not the true policy nor the true economy of this country to force this state of things by bounties and by protecting duties. When you raise your duties beyond the point necessary for raising the revenue necessary for the support of your Government, you encourage smuggling. Your customs are defrauded; your regular merchants are unable to sell their goods; fraud and speculation is the result. The effect that this will have on the morals of your country, is too apparent to require comment. And if you commence this system, all classes will have an equal right to your protection. Yes, sir, the tailors have petitioned you this session for protection; they want you to lay heavy duties on clothes imported ready made. Who is it that will believe that they want protection, after paying them from eight to ten dollars for making a coat?

I have gone through the observations I had intended to submit to the Committee. I hope they will see with me the evil tendency of this bill, and will consent to strike out the first section.

Mr. SIMKINS, of South Carolina, said: Mr. Chairman, at this protracted stage of the debate, when the Committee is so much exhausted in patience, and pressed for time, it is with unfeigned diffidence that I beg its attention for a few moments. Indeed, I should not have risen at all, but that I conceive some points, in this important subject, have been altogether omitted, or but slightly touched, which I deem material to its illustration.

At the commencement of the last war, the manufactures of the most indispensable articles in the United States, were, for the most part, in their infancy, and entirely inadequate to the supply of our wants. These wants became the more pressing, because the importation of them had been previously interdicted by the embargo laws, and could be had but in scanty supplies, and at very high prices during the war. Thus it was, that, when our necessities became greatest, our supplies were most inadequate to our rising wants. The consequence of this state of things was, that manufacturing establishments sprung up to our relief, in various parts of the continent, and we were supplied with cannon, arms, and other munitions of war, and our armies, to a considerable extent, were clothed from our own establishments. I mention these facts, Mr. Chair-

man, to show, which they most unequivocally do, that he who is a friend to his country's true independence must be a friend to manufactures, to a reasonable and practicable extent. When the war ceased, it was the true policy of Great Britain, who had viewed our rising establishments with great pain and jealousy, to throw into our market such a quantity of goods, of every sort, at low prices, as to sink to destruction these establishments, and, with them, the fortunes and hopes of those patriotic and public spirited men who had invested their capital in them. This effect was in such a rapid state of progression that it awakened an enlightened American Congress to the consideration of the subject. To give some protection to those establishments which had greatly helped to save us in time of war, and without which no nation on earth can ever be truly independent or safe, as well as to raise a revenue, the Congress of 1816 passed a law, imposing a tariff, or system of duties, on the most of those foreign articles which could be made among ourselves, and the extravagant importations of which were about to bring ruin on our manufactures! This was wise, it was patriotic, it was in fact the duty of the Representatives of the nation. These protecting duties, light as they were, in most instances, had, in some good degree, the desired effect; but the manufacturer of iron met the hardest fate, because it is a fact, as was stated by the Speaker, in this debate, and controverted by no one, that the duty on foreign iron imported was not in the same proportion with that on other articles. This omission was a strange one, Mr. Chairman, and the more so, because iron must be conceded to be an article of the very first necessity, and, therefore, ought to have been, in the same proportion, encouraged. That this article had less of the fostering care of the Government than almost any other, is demonstrated by the present state and situation of those manufactories throughout the continent—for all accounts agree that those which have not already sunk, are in a progressive state of dilapidation. Indeed, Mr. Chairman, no man could fail to feel an interest, on hearing the eloquent, yet distressing picture, yesterday presented by the gentleman from New Jersey (Mr. KINSEY.) He tells you that, eighty or one hundred of these establishments are falling to ruin in New Jersey alone. Is not iron, then, (enough of the ore of which lies in our hills to supply the world,) an indispensable article; and will you not encourage its production in our own country? Let us anticipate the march of time, and conceive ourselves on the verge of another war, when the article will be wanting for cannon, for small arms, and for almost every useful agricultural instrument. Will you fold your arms, and suffer your manufactories to sink, until the time of war, which shall cut off your foreign supplies, shall arrive? Will you act the part of wisdom, and prepare for the day of necessity, or will you, like the spendthrift, leave every day to provide for itself? Are we not able to make our own iron in sufficient quantities, and cheap enough to

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be within the reach of every man in the nation who wants to use it, or must we still be dependent on foreign importations? Mr. Chairman, I am sick of these unceasing, unnecessary, foreign predilections; and I wish to make our own country what it might be, and what it must be, before it is really great, independent of Europe. We are not satisfied with importing foreign notions, and prejudices; and errors, but we must work foreign iron, almost exclusively, when we can have, cheap enough, abundant supplies at home. Is there nothing due to those who risked their capital to sustain the nation in the day of need?

But, Mr. Chairman, what is to be the consequence of letting our own iron works sink by foreign importations? The obvious consequence is, as was just now demonstrated by the gentleman from Pennsylvania, (Mr. SERGEANT,) that when your own manufacturers are ruined, and their establishments destroyed, foreign iron will immediately take a rise. Yes, foreigners will then get their own prices, for there will be no competition to check them. I beg gentlemen to remember this when about to give their votes.

Do the manufacturers ask any unreasonable or ruinous protection? By no means. If they did, I should not stand here to sanction their pretensions. They scarcely ask an increase of half a cent a pound. So far from wishing you to exclude the importation of iron, they only ask to be put upon grounds of fair competition. Will an American Congress thus refuse to American citizens such a request? I trust not.

If, Mr. Chairman, we are disposed to learn lessons of wisdom upon this subject, let us have recourse to England; a nation of whom, whatever else may be said, this may well be pronounced, that she has arrived, in commerce and manufactures, to unrivalled prosperity and greatness. Let us, then, discard her examples, which are destructive, but embrace her wisdom and experience, which are true and sound.

How, let it be asked, has that nation become unrivalled in manufactures? By a constant, unwearied attention to this subject; by protecting, by laws, and every means in her power, every establishment of importance to the country.—With what alarm would this calculating, experienced, and politic nation, see the approaching ruin of any material manufactory. Her statesmen would startle at such a prospect, and rush forward with avidity and save it.

There is, Mr. Chairman, another view of this subject, not fully presented, which ought to arrest the attention of the American statesman. It is the true policy of every state or country to encourage and buy of its own citizens, every essential article which can be had, without too great a sacrifice, because, thereby you add to its riches by keeping the money among ourselves. This has been England's true and unvarying policy. She well knows that capital laid out abroad for foreign productions, which can be as well produced at home, is forever lost, both principal and interest. This consideration seems

to me to be so obvious that I forbear to dwell upon it.

But the gentleman from North Carolina (Mr. SMITH) has, without any bad motive, I grant, endeavored to array the agriculturist against the manufacturer, and to excite an idea of different feelings and interests in a great community, which ought to harmonize, and which is really identified, both by principle and interest. He asks, will you tax the agriculturist for the manufacturer, without giving him any adequate advantage? Mr. Chairman, this is not the fact—the gentleman would “call by different names brethren of the same family.” Is not agriculture “that first and best employment of man,” in which I myself am interested, and to which I know I am as great a friend as the gentleman from North Carolina, or any gentleman on this floor; I say, is not agriculture most of all interested in the production of iron? Can the farmer proceed a step without the implements of husbandry? But, says the gentleman, we may get it cheaper from abroad; perhaps it may be a little cheaper at this particular period, and why? Because it is England's interest, and it is the interest of all Europe to glut your markets, and they have glutted them, for the special purpose of destroying your manufactories! This is what they aim at—what they seek above all things. When this is done, take my word for it, iron will rise in price—foreigners, having prostrated your infant manufactories, will ask for their iron just what prices they please, and when we are pressed by another war, or by any other great national emergency, the nations of Europe “will laugh you to scorn, and mock when your fear cometh.” Yes, Mr. Chairman, when pressed by war or embargo; when necessity knocks loudly at every man's door, then you see those establishments destroyed which would succor and save you! Then you must wait, in painful suspense, the tedious re-establishment of new manufactories, and the learning new workmen, or behold your country, for the want of them, on the brink of ruin.

Perhaps you may, at this moment, get iron a trifle cheaper from foreign places, but you cannot get it cheaper permanently; you cannot get it cheaper in the end! It is then to protect our own citizens by a small additional duty, to a certain extent, that I contend—a duty that may yield them great assistance, and do us no harm. Do us no harm, did I say? Would advance our true and solid interests.

From the best information which can be procured, it appears that the quantity of iron consumed in the United States is 45,000 tons.

In 1810, the quantity manufactured in the United States was 30,000 tons.

In 1814, 40,000 tons.

Leaving a surplus for common use of only about 5,000 tons.

In 1817, such was the shock received by the peace, and the consequent glut by foreign importations, that only about 15,000 tons were manufactured. By the protecting duties of 1816, which were not equal on iron to other articles

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imported, a few of the manufactories only have been enabled to survive, and whether they can still live will depend on the passage of this bill.

Great Britain, about twenty years back, manufactured only 18,000 tons; but by the uncommon encouragement with which the manufacturers met, and the great improvements by them made, in the year 1816 she manufactured 200,000 tons.

Now the fair inference is, that by seizing those great improvements in our power, by the superiority of our ore, both as to quantity and quality, our unbounded resources in coal as well as wood, in which we have a most unquestionable superiority over Great Britain, we may shortly make not only an abundant supply for ourselves, but draw vast riches into our country by the exportation of the article. It is supposed by good judges that we might make enough to supply the world!

Mr. Chairman, our Federal Constitution, the foundation and ligament of our political existence, is the offspring of compromise and mutual concession and affection. Shall then the planters of the Middle and Southern States, who are amassing fortunes by the production of rice, cotton, tobacco, and flour, refuse to yield some small and fraternizing token of respect and encouragement to the manufacturers of the Eastern and Middle States, in the time of their greatest need? From the discussion of this question, by some gentlemen, it would really seem that one class of the community was seeking something which would ruin some other. Nothing so erroneous; I am the friend of agriculture on this occasion; not only the agriculturist, but the whole civilized world is interested in the production of iron; the manufacturers themselves are agriculturists; their neighbors and friends are agriculturists; the whole country around them, and upon whose supplies they depend, is agricultural; the interests of both classes are united and indissoluble. The agricultural part of the community are already, and must ever be, the most independent; and will those who are most independent refuse encouragement to those establishments which will render them still more so? Away then with the jaundiced view of a difference of interest; it can answer no other purpose than to create sectional injurious jealousies, such as would go to destroy our happy Union!

I would go as far to represent my constituents in any local matter, which required attention, as any other man; I never could and never would desert them. But as, on another occasion, I endeavored so to convince the House, I stop here. After serving our constituents faithfully in those particular interests, where others from different sections could not, in the nature of things, so well do it, we become the representatives of the whole nation, and he who best consults the general interest, and whose measures are best calculated to give plenty, content, and union to all, deserves the most applause from his country.

The motion to strike out the first section, was negatived; and

The Committee having gone through this bill, took up the bill to increase the duties on certain

manufactured articles, (shot, paper, &c.,) imported into the United States, and to change the duty from an ad valorem to a specific one.

A motion, by Mr. COLSTON, to strike out the first section, was lost.

Some other amendments were made to both the bills, and some proposed that were rejected, which gave rise to much debate.

Among the motions which prevailed, was one by Mr. PITKIN, to strike out the proposed modification of the duty on paper.

The bills having been reported to the House, the amendments made were generally agreed to without a division.

Mr. LITTLE made an attempt to retain the clause for modifying the duty on paper, which failed, by a considerable majority.

Mr. BUTLER renewed the motion, which had been previously made in Committee of the Whole, by Mr. MORTON, to strike out "one dollar," the duty proposed hereafter to be levied on "iron in bars and bolts manufactured without rolling." This motion was negatived—yeas 50, nays 82, as follows:

YEAS—Messrs. Abbott, Austin, Barbour of Virginia, Blount, Boss, Burwell, Butler, Claiborne, Claiborne, Cobb, Edwards, Ervin of South Carolina, Garnett, Herbert, Hogg, Holmes of Connecticut, Huntington, Irving of New York, Johnson of Virginia, Jones, Lowndes, McCoy, Morton, Jeremiah Nelson, T. M. Nelson, Owen, Peter, Pitkin, Pleasants, Poindexter, Reed, Rhea, Robertson of Kentucky, Sampson, Settle, Sherwood, Silsbee, Slocumb, Bal. Smith, Alexander Smyth, J. S. Smith, Speed, Stewart of North Carolina, Terrill, Tucker of Virginia, Tucker of South Carolina, Whitman, Williams of Connecticut, Williams of North Carolina, and Wilson of Massachusetts.

NAYS—Messrs. Adams, Allen of Vermont, Anderson of Ky., Baldwin, Barber of Ohio, Bassett, Bateman, Beecher, Bennett, Bloomfield, Boden, Campbell, Colston, Comstock, Crafts, Crawford, Cruger, Culbreth, Darlington, Desha, Drake, Earle, Folger, Gage, Hale, Hall of Delaware, Hasbrouck, Hendricks, Herrick, Heister, Hitchcock, Hopkinson, Hubbard, Hunter, Ingham, Kinsey, Lawyer, Lewis, Linn, Little, W. Maclay, W. P. Maclay, Marchand, Marr, Mason of Massachusetts, Mason of Rhode Island, Merrill, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pawling, Pindall, Porter, Rich, Richards, Ringgold, Rogers, Ruggles, Sawyer, Scudder, Sergeant, Seybert, Simkins, Southard, Spencer, Strother, Tarr, Taylor, Terry, Tompkins, Trimble, Upham, Wallace, Wendover, Whiteside, Williams of New York, Wilkin, and Wilson of Pennsylvania.

After rejecting several motions to adjourn, the two bills were finally ordered to be engrossed for a third reading.

[As ordered to the third reading, the contents of these bills vary from the statements heretofore given of them, by the omission of the proposed duty on paper, and by the additional duty of the following: On spikes three cents per pound; on anchors two cents per pound; on cut glass thirty per cent. ad valorem; on brown Russia sheeting, not exceeding fifty-two archines in each piece, \$1 60 per piece; on white do. do., \$2 60 per

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piece. The two acts to take effect from the 30th June next.]

Mr. T. M. NELSON moved that, for the remainder of the session, the House do meet at ten instead of eleven o'clock.—Negatived.

And the House adjourned at half-past six o'clock.

WEDNESDAY, April 13.

A message from the Senate informed the House that the Senate disagree to the amendment proposed by this House to their bill, entitled "An act for the relief of Isaac Briggs;" and they have receded from their seventh amendment to the bill of this House, entitled "An act to provide for the publication of the Laws of the United States, and for other purposes;" and they insist on their 8th amendment to the said bill.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of John Hall, late a Major of marines;" reported the same without amendment, and the bill was committed to the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act for the relief of Richard M. Johnson."

Mr. WILLIAMS also reported a bill for transferring the claims in the office of the Commissioner of the Third Auditor of the Treasury Department; which was read twice, and also committed to the Committee of the Whole last mentioned.

Mr. PINDALL, from the committee of conference between the two Houses, on the disagreeing votes respecting the amendments of this House to the bill to make valid certain acts of the justices of the peace of the District of Columbia, reported it as the unanimous opinion of the committees of both Houses that the bill was unnecessary, the acts therein referred to being valid without the interposition of the Legislature; and the whole subject was, therefore, on motion of Mr. BASSETT, indefinitely postponed.

Mr. LOWNDES, from the Committee of Ways and Means, to whom was referred the memorial of Manuel Torres, who offers to the United States a financial discovery which he considers of great value, reported that his suggestions were, from the respectable personal character of the memorialist, entitled to an examination; but that the remainder of this session, if the whole time of the committee were devoted to it, was not sufficient for the due investigation of the subject, and therefore recommending that it be postponed to the next session.—Concurred in.

Mr. FORSYTH, from the Committee of Foreign Relations, to whom was referred the amendments of the Senate to the bill, in addition to the several acts for enforcing the neutral relations of the United States, reported the opinion of the committee, that the said amendments, one excepted, be concurred in. But, after some conversation, the bill was laid on the table, on the suggestion of Mr. TUCKER that the amendments were im-

portant; and desiring himself that the bill should pass in the shape in which it went from this House, he moved that it lie on the table, to give further time for the consideration of the amendments.

Mr. POPE, from the committee to whom was referred, yesterday, the amendments proposed by the Senate to the bill, entitled "An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," reported the agreement of the committee to the said amendments, and the amendments were then concurred in by the House.

The bill from the Senate to amend the charter of the Bank of the United States, so as to authorize the appointment of a vice president and deputy cashier, &c., was read a second time. On motion of Mr. FORSYTH, the letter of the Secretary of the Treasury in favor of the measure was read; when, on motion of Mr. LITTLE, who desired a more particular consideration of the subject, the bill was referred to the Committee on the Judiciary—61 to 55.

Ordered, That the Committee of the Whole, to which are committed the amendments proposed by the Senate to the bill, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the clerks employed in their offices;" and the bill to regulate and fix the compensation of clerks in the different offices, be discharged, and that they be committed to the Committee of the Whole, to which is committed the bill supplementary to the several acts making appropriations for the year 1818.

Mr. SCOTT gave notice that he would, on tomorrow, move the House for leave to bring in a bill to suspend the sales of certain lands in the State of Louisiana and Territory of Missouri.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: An act for the relief of Major General Jacob Brown; An act fixing the time for the next meeting of Congress; and, An act for the relief of Thomas Miller and Stephen Baker, with amendments. They have passed bills of the following titles, to wit: An act concerning tonnage and discriminating duties in certain cases; An act authorizing a subscription for the Statistical Annals, by Adam Seybert, and the purchase of Pitkin's Commercial Statistics; and, An act fixing the compensation of Indian agents and factors; in which amendments and bills they ask the concurrence of this House.

Engrossed bills of the following titles, to wit: An act to increase the compensation of deputy postmasters in certain cases; An act making the port of Bath in Massachusetts, a port of entry for ships or vessels arriving from the Cape of Good Hope, and from places beyond the same, and for establishing a collection district, whereof Belfast shall be the port of entry; An act providing for the deposit of wines and distilled spirits in public warehouses; An act to increase the duties on

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certain manufactured articles imported into the United States; and, An act supplementary to an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the 2d day of March, 1799—were severally read the third time, and passed.

The amendments proposed by the Senate to the bills of this House, entitled, An act for the relief of Major General Jacob Brown; An act fixing the time for the next meeting of Congress; and, An act for the relief of Thomas Miller and Stephen Baker, were read, and severally concurred in by the House.

The House took up, and proceeded to consider, their disagreement to the 8th amendment proposed by the Senate to the bill, entitled "An act to provide for the publication of the laws of the United States, and for other purposes;" on which amendment the Senate have insisted; and the said amendment being again read, it was resolved that the House recede from their disagreement to the said 8th amendment.

The House proceeded to reconsider their amendment to the bill, entitled "An act for the relief of Isaac Briggs," to which the Senate have disagreed; and the said amendment being again read, it was resolved that this House recede from the said amendment.

The bill from the Senate, entitled "An act fixing the compensation of Indian agents and factors," was read twice, and referred to the committee on that part of the President's Message which relates to Indian affairs.

The bill from the Senate, entitled "An act authorizing a subscription for the Statistical Annals, by Adam Seybert, and the purchase of Pitkin's Commercial Statistics," was read twice, and referred to the Committee of Ways and Means.

The bill from the Senate, entitled "An act concerning tonnage and discriminating duties, in certain cases," was read twice, and referred to the Committee of Commerce and Manufactures.

A Message was received from the PRESIDENT of the UNITED STATES, which was read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 10th instant, relative to the capture and imprisonment of certain persons, citizens of the United States, therein specifically mentioned, I now transmit a report from the Secretary of State, which, with the documents accompanying it, embrace the objects contemplated by the said resolution.

JAMES MONROE.

WASHINGTON, April 15, 1818.

The said Message and documents were laid on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual statements of the importations of merchandise in American and foreign vessels for one year, ending on the 30th September, 1816; which was ordered to lie on the table.

The SPEAKER also laid before the House another letter from the Secretary of the Treasury,

transmitting sundry statements presented in obedience to "An act establishing a mint and regulating the coins of the United States;" which was ordered to lie on the table.

The SPEAKER also laid before the House sundry papers, transmitted to him by the Secretary of State, being the remainder of those referred to in his report of the 14th March, accompanying the Message of the President of the United States of that date; which papers were ordered to lie on the table.

THE SLAVE TRADE.

On the earnest request of Mr. SIMKINS, who considered the bill as highly important to the Southern States particularly; seconded by Mr. HARRISON, who considered it equally important to the States not holding slaves, bordering on the slaveholding States, the House proceeded to the consideration of the bill from the Senate, supplementary to the act prohibiting the importation of slaves.

Mr. SIMKINS proposed an amendment to the bill, providing for disposing of slaves seized for being illegally imported, by sale, one-half of the proceeds to the benefit of the United States, and the other to the benefit of the officers making the seizures, &c. This motion was advocated by Messrs. SIMKINS and EDWARDS, who seconded the motion, as the only means of executing the laws against the slave trade, as experience had fully demonstrated since the origin of the prohibition. Mr. H. NELSON protested against the introduction of a provision into our laws, which he declared to be inconsistent with the principles of our Government, and calculated to throw as wide open the door to the importation of slaves as it was before the existing prohibition. Further debate took place on the amendment, which was advocated by Mr. PINDALL, on the ground of the absolute necessity of such a provision, to make the laws efficient against the slave trade.

The amendment was finally rejected by a large majority; and the bill was ordered to be engrossed for a third reading.

ADDITIONAL DUTIES.

An engrossed bill to increase the duties on iron in bars and bolts, iron in pigs, castings, nails, and alum, and to disallow the drawback of duties on the re-exportation of gunpowder, was also read the third time—And on the question, Shall the bill pass? it was determined in the affirmative—yeas 88, nays 47, as follows:

YEAS—Messrs. Adams, Allen of Vermont, Anderson of Kentucky, Baldwin, Barber of Ohio, Bassett, Bateman, Beecher, Bennett, Bloomfield, Boden, Campbell, Colston, Crafts, Crawford, Cruger, Culbreth, Darlington, Desha, Drake, Earle, Ellicott, Folger, Gage, Hale, Hall of Delaware, Harrison, Hasbrouck, Hendricks, Herkimer, Herrick, Heister, Hitchcock, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Ingham, Irving of New York, Kinsey, Kirtland, Lawyer, Linn, Little, W. Maclay, W. P. Maclay, Marchand, Mason of Massachusetts, Mason of Rhode Island, Mercer, Merrill, Miller, Moore, Moseley, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pindall,

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Porter, Rich, Richards, Ringgold, Rogers, Ruggles, Savage, Sawyer, Scudder, Sergeant, Seybert, Southard, Spencer, Tarr, Taylor, Tompkins, Townsend, Trimble, Tucker of Virginia, Walker of North Carolina, Walker of Kentucky, Wallace, Wendover, White-side, Williams of New York, and Wilson of Pennsylvania.

NAVS—Messrs. Austin, Barbour of Virginia, Blount, Burwell, Butler, Clagett, Claiborne, Edwards, Floyd, Forney, Garnett, Herbert, Hogg, Huntington, Johnson of Virginia, Jones, Livermore, Lowndes, McCoy, Middleton, Morton, Jeremiah Nelson, Hugh Nelson, T. M. Nelson, Peter, Pitkin, Pleasants, Poindexter, Reed, Rhea, Rice, Robertson of Kentucky, Robertson of Louisiana, Sampson, Settle, Sherwood, Silsbee, Slocumb, Ballard Smith, Speed, Strong, Strother, Stuart of Maryland, Terrill, Whitman, Williams of Connecticut, and Williams of North Carolina.

Ordered, That the title be, "An act to increase the duties on iron in bars and bolts, iron in pigs, castings, nails, and alum."

DUTIES ON IMPORTS.

The House then resolved itself into a Committee of the Whole, on the bill to continue in force, from and after the 30th June, 1819, until the 30th June, 1826, the fourth paragraph of the first section of the act "to regulate the duties on imports and tonnage." The paragraph referred to is that which establishes the duty on the importation of foreign manufactures, of which the principal material is wool or cotton, &c.

Mr. EDWARDS moved—on the ground that there was no necessity for acting on the subject at the present time, and, being no necessity for it, there remained too little time for a proper investigation of the subject—that the first section of the bill be stricken out.

This motion gave rise to a short, but spirited debate; in the course of which, Mr. TUCKER, Mr. EDWARDS, Mr. MERCER, and Mr. RHEA, supported the motion, as well on the ground of hostility to the excessive taxation of agriculture for the benefit of the manufacturing interest, as of the want of time for a full discussion, &c. And Mr. SEYBERT, Mr. CLAY, Mr. MASON of Massachusetts, Mr. BALDWIN, Mr. KINSEY, Mr. LOWNDES, and Mr. SOUTHARD, opposed it, on both the grounds assumed.

The question having been taken on striking out the first section, it was decided in the negative—ayes 33.

The Committee then proceeded further in amending the bill; in which Mr. SILSBEE, Mr. LOWNDES, and Mr. PITKIN, took part.

Mr. MERCER proposed an amendment, the object of which was, that the duty of 25 per cent. should be imposed, not on a fixed value of 25 cents per yard, but upon an actual valuation, as in the case of other ad valorem duties.—Negative.

Mr. COLSTON made a motion to amend the bill, the object of which was, to limit the extension of the present duties to *two* years, instead of *seven*, as provided by the bill. And this motion was decided in the negative—yeas 31, nays 108, as follows:

YEAS—Messrs. Austin, Barbour of Virginia, Bur-

well, Cobb, Colston, Edwards, Ervin of South Carolina, Forney, Hogg, Johnson of Virginia, Mercer, Miller, H. Nelson, T. M. Nelson, Peter, Pindall, Pleasants, Reed, Rhea, Schuyler, Slocumb, B. Smith, A. Smyth, J. S. Smith, Stewart of North Carolina, Stuart of Maryland, Tucker of Virginia, Tucker of South Carolina, Walker of North Carolina, Williams of North Carolina, and Wilson of Massachusetts—31.

NAVS—Messrs. Abbott, Adams, Allen of Vermont, Anderson of Kentucky, Baldwin, Barber of Ohio, Bassett, Bateman, Beecher, Bennett, Bloomfield, Boden, Boss, Butler, Campbell, Clagett, Cook, Crafts, Crawford, Cruger, Culbreth, Cushman, Darlington, Desha, Drake, Earle, Ellicott, Floyd, Folger, Gage, Hale, Hall of Del., Harrison, Hasbrouck, Herrick, Hitchcock, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Huntington, Ingham, Irving of New York, Jones, Kinsey, Kirtland, Lawyer, Linn, Little, Livermore, Lowndes, W. Maclay, W. P. Maclay, McCoy, Marchand, Marr, Mason of Massachusetts, Mason of Rhode Island, Merrill, Moore, Morton, Moseley, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pitkin, Porter, Rich, Richards, Ringgold, Robertson of Kentucky, Robertson of Louisiana, Rogers, Ruggles, Sampson, Savage, Sawyer, Scudder, Sergeant, Seybert, Sherwood, Simkins, S. Smith, Southard, Speed, Spencer, Strong, Strother, Tarr, Taylor, Terry, Tompkins, Townsend, Trimble, Walker of Kentucky, Wallace, Wendover, Westero, Whiteside, Whitman, Williams of Connecticut, Williams of New York, Wilkin, and Wilson of Pennsylvania—108.

So the motion was rejected.

Mr. SMITH, of N. Carolina, moved an amendment to the bill, to this effect: that, after the 30th June next, the duty of 20 cents per bushel on salt imported should cease, and a duty of 10 cents thereon be substituted in lieu thereof.

On the suggestion of Mr. MERCER, Mr. SMITH consented to modify his motion, so as to propose 12½ cents instead of 10 cents, as the future duty on salt.

Mr. COBB advocated the motion at some length, and Mr. LOWNDES opposed it. After which, the question was taken on the motion, and decided in the negative—yeas 53, nays 92, as follows:

YEAS—Messrs. Abbot, Anderson of Kentucky, Austin, Baldwin, Barbour of Virginia, Boden, Burwell, Butler, Clagett, Cobb, Colston, Edwards, Ervin of South Carolina, Hale, Hall of Delaware, Herbert, Herkimer, Hogg, Hopkinson, Johnson of Virginia, Livermore, McCoy, Mercer, Miller, J. Nelson, H. Nelson, T. M. Nelson, Ogle, Peter, Pindall, Reed, Ringgold, Robertson of Louisiana, Rogers, Savage, Schuyler, Settle, Sherwood, Silsbee, Simkins, Slocumb, J. S. Smith, Southard, Speed, Stewart of North Carolina, Strother, Tucker of Virginia, Tucker of South Carolina, Walker of North Carolina, Walker of Kentucky, Williams of Connecticut, Williams of North Carolina, and Wilson of Massachusetts—53.

NAVS—Messrs. Adams, Allen of Vermont, Barber of Ohio, Bassett, Bateman, Beecher, Bennett, Bloomfield, Blount, Boss, Campbell, Comstock, Cook, Crafts, Crawford, Cruger, Culbreth, Cushman, Darlington, Desha, Drake, Earle, Ellicott, Floyd, Folger, Forney, Gage, Harrison, Hasbrouck, Hendricks, Herrick, Hitchcock, Hubbard, Hunter, Huntington, Irving of New York, Jones, Kinsey, Kirtland, Lawyer, Linn, Little, Lowndes, W. Maclay, W. P. Maclay, Marchand, Marr,

Mason of Massachusetts, Mason of Rhode Island, Merrill, Moore, Morton, Moseley, Mumford, Murray, Ogden, Owen, Palmer, Parrott, Patterson, Pitkin, Pleasants, Porter, Rhea, Rich, Richards, Robertson of Kentucky, Ruggles, Sampson, Sawyer, Scudder, Sergeant, Seybert, B. Smith, Spencer, Strong, Tarr, Taylor, Terrill, Terry, Tompkins, Townsend, Trimble, Upham, Wallace, Wendover, Westerlo, Whiteside, Whitman, Williams of New York, Wilkin, and Wilson of Pennsylvania—92.

The question was then taken, Shall the bill be engrossed and read a third time, and passed in the affirmative—yeas 106, nays 34, as follows:

YEAS—Messrs. Abbott, Adams, Anderson of Kentucky, Baldwin, Barber of Ohio, Bassett, Bateman, Beecher, Bennett, Bloomfield, Boden, Boss, Butler, Campbell, Clagett, Comstock, Cook, Crafts, Crawford, Cruger, Culbreth, Cushman, Darlington, Desha, Drake, Earle, Ellicott, Floyd, Folger, Gage, Hale, Hall of Delaware, Hashrouck, Hendricks, Herkimer, Herrick, Hitchcock, Holmes of Connecticut, Hopkinson, Hubbard, Hunter, Huntington, Irving of New York, Kinsey, Kirtland, Lawyer, Linn, Little, Lowndes, W. Macclay, Wm. P. Macclay, McCoy, Marchand, Mason of Massachusetts, Mason of Rhode Island, Merrill, Moore, Morton, Moseley, Mumford, Murray, Ogden, Ogle, Palmer, Parrott, Patterson, Pitkin, Porter, Rich, Richards, Ringgold, Robertson of Kentucky, Robertson of Louisiana, Rogers, Ruggles, Sampson, Savage, Sawyer, Scudder, Sergeant, Seybert, Sherwood, Silsbee, Simkins, Southard, Speed, Spencer, Strong, Tarr, Taylor, Terrill, Terry, Tompkins, Townsend, Trimble, Upham, Walker of Kentucky, Wallace, Wendover, Westerlo, Whiteside, Whitman, Williams of Connecticut, Williams of New York, Wilkin, and Wilson of Pennsylvania—106.

NAYS—Messrs. Austin, Barbour of Virginia, Blount, Burwell, Cobb, Colston, Edwards, Ervin of South Carolina, Forney, Harrison, Herbert, Hogg, Johnson of Virginia, Jones, Mercer, Miller, T. M. Nelson, Owen, Peter, Pindall, Pleasants, Reed, Rhea, Schuyler, Settle, Slocumb, B. Smith, J. S. Smith, Stewart of North Carolina, Tucker of Virginia, Tucker of South Carolina, Walker of North Carolina, Williams of North Carolina, and Wilson of Massachusetts—34.

The bill was then ordered to be read a third time to-morrow.

THURSDAY, April 16.

Mr. LOWNDES, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act authorizing a subscription for the Statistical Annals, by Adam Seybert, and the purchase of Pitkin's Commercial Statistics, reported the same without amendment, and it was committed to a Committee of the Whole.

On motion of Mr. HUGH NELSON, the Committee of Accounts were authorized and directed to make the same allowance for extra services to the persons serving this House as were granted at the end of the last session, and to Christopher Dunn, for his services, fifty dollars.

On motion of Mr. ROBERTSON, of Louisiana, the President of the United States was requested to obtain from the Spanish authorities all records and official documents appertaining to the gov-

ernment of Louisiana, particularly such as concern grants and titles to land which may have been taken out of that country at the period of its cession to the United States.—Mr. ROBERTSON and Mr. INYING were appointed a committee to present the said resolution to the President of the United States.

On motion of Mr. ROBERTSON, the memorial and petitions relative to land claims which have been addressed to this House from the State of Louisiana and the Territory of Missouri, were referred to the Secretary of the Treasury, with a request to report to Congress, at their next session, a plan for their final adjustment and settlement.

In pursuance of the notice given yesterday, Mr. SCOTT asked and obtained leave to bring in a bill to suspend the sales of certain lands in the State of Louisiana and Territory of Missouri; and Mr. SCOTT, Mr. ROBERTSON, of Louisiana, and Mr. POINDEXTER, were appointed a committee to prepare and bring in the same, with leave to sit during the session of the House.

The bill from the Senate, entitled "An act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, 1808," and to repeal certain parts of the same, was read the third time and passed as amended.

An engrossed bill, entitled "An act to continue in force from and after the 30th of June, 1819, until the 30th of June, 1826, the fourth paragraph of the 1st section of the act, entitled "An act to regulate the duties on imports and tonnage," was read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of the houses of Thomas and John Clifford, Elisha Fisher and Company, Thomas Clifford and Son, and Thomas Clifford, of Philadelphia, and Charles Wirgman, of Baltimore," with amendments, in which they ask the concurrence of this House.

AMENDMENT TO THE CONSTITUTION.

Mr. LEWIS submitted the following proposition of amendment to the Constitution of the United States, which was read and ordered to lie on the table:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of the same concurring, That the following sections be recommended to the several States of the Union, for their adoption, as amendments to the Constitution of the United States:

I. The President of the United States shall not, in future, have the power of approving or disapproving any bill, or bills, or joint resolutions, passed by the Senate and House of Representatives.

II. The Senate and House of Representatives of the United States shall, by joint ballot, appoint to offices, and fill all vacancies in the judiciary of the United States.

III. The Senate and House of Representatives of the United States shall appoint, by joint ballot, the following heads of departments, whose term of service shall continue — years; but may be removed from

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office at any time during the term for which they were elected, for inability to discharge the duties of office, or for high crimes and misdemeanors :

1st. A Secretary of the Treasury, who shall appoint all officers belonging to the Department of the Treasury.

2d. A Secretary of War, who shall have the power of appointing all officers, both civil and military, belonging to the Department of War.

3d. A Secretary of the Navy, who shall have the power to appoint all officers, both civil and military, belonging to the Department of the Navy.

4th. A Postmaster General, who shall have the power to appoint all officers belonging to the Post Office Department.

IV. Vacancies occasioned by death, resignation, or removal from office, in the Judiciary, or of the Heads of Departments shall be amenable to Congress for all appointments made by them ; and to prevent improper recommendations to office, whenever any person in office shall be convicted of any crime, misdemeanor, or be dismissed from office, for neglect of duty, the name of the person so convicted, or dismissed, with the name or names of those who recommended him to office, shall be advertised for six months in some newspapers, in every State and Territory of the United States in which there shall be a printing office.

V. No member of Congress shall be appointed to any office, either civil or military, under the Government of the United States, during the term for which he was elected, and for twelve months thereafter.

DELINQUENT PAYMASTERS.

Mr. T. M. NELSON reported a bill to authorize the recovery of public money. [Providing that suit may be commenced to coerce a settlement of open accounts of persons who receive and expend the public moneys.]

This bill was twice read.

Mr. T. M. NELSON moved, that it be read a third time. Referring to a statement, yesterday laid on the tables of the House, of the names of those "paymasters of the late army of the United States" who have failed duly to account for the moneys confided to their charge, Mr. N. said, there was, it appeared, an unliquidated debt, apparently due, from persons of that description alone, to the amount of three millions of dollars. Upon conversation with the accounting officers of the Treasury, he found that they did not consider themselves authorized to bring suit against any delinquent until his accounts were liquidated, and the balance ascertained. This settlement, of course, was delayed by the defaulter; and the object of the bill was to enable the accounting officers to coerce the persons so situated to come to a settlement.

After some conversation in which Mr. LOWNDES expressed his surprise at the construction which it appeared had been given to the existing law; Mr. BURWELL congratulated the House on the introduction of this bill, so necessary to the security of public money, to the protection of honest claimants, and the detection of fraudulent transactions; and Mr. T. M. NELSON reaffirmed what he had already said, adding, that, as Government preserved a coercive power over officers while in office, instances have occurred frequently, in

which officers, under the present regulations, were kept in office without performing any duty, merely to secure a settlement of their accounts.

The bill was ordered to be engrossed for a third reading.

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The bill from the Senate, supplementary to the act incorporating the Bank of the United States, (authorizing the appointment of a vice president, &c.,) having been read, and the question stated on ordering the same to be read a third time—

Mr. MOORE, of Pennsylvania, rose and said, he hoped the bill would not be ordered to a third reading. He said he was opposed to the passage of this bill for several reasons: because it contained a principle novel and unprecedented in itself, authorizing the president and directors of this stupendous national institution to appoint an assistant president and cashier, for signing the bills of the bank, in order to throw more of their paper into circulation and into the market. This, of itself, was sufficient to induce him to vote against the bill on the table; inasmuch, as he did not believe that such a necessity existed as to warrant or to justify Congress to interfere in this unknown of and unprecedented way. But this, Mr. M. said, was not his strong objection to the passage of the bill—he was opposed to affording any additional facilities to this immense corporation, already too powerful as it respected the moneyed transactions of this country, further to oppress the State and local banks of this country, and, through them, the people—those of the Western country particularly. He was enabled, he said, by his personal observations, to speak with precision as to the prejudicial results and effects this bank had in its operation there, particularly in that portion of the country he had the honor, in part, to represent. Sir, said he, in consequence of the inimical disposition shown by this powerful national corporation, to the State and local banks, the paper of the latter is at a large discount, although they pay specie for their notes, and are obliged to curtail their discounts, and; in many instances, compelled to press their borrowers in order to redeem their paper, held by this bank, its branches, and the Government. This process, Mr. M. said, caused a pressure severe in the extreme, and unprecedented in its extent, in the West, so much so, that he would be unfaithful to his constituents and to himself if he did not raise his voice against the passage of this bill, which, in his opinion, was fraught with evils to the vital interest of the Western country; and he hoped there was virtue and independence enough in this House to prevent its passage, and thereby rescue, temporarily at least, a great portion of the people from sudden and inevitable ruin. Mr. M. said, he would not now examine the policy or impolicy of the establishment of this national bank, it was now too late for that discussion; he would only remark, he never was in favor of the creation of this corporation at the time it was created, with its ample powers and enormous capital.

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His observations he now wished to confine to the effects and operations of this bank on the country. What, he asked, were the consequences, in the State of Ohio, of the orders given to the receivers of public moneys there by the Secretary of the Treasury? In the land office at Wooster, he was informed, no money would be taken but the paper of the Bank of the United States, specie, and paper at par in the cities. This it was out of the power of the people to procure, as the paper of all their banks was at a discount; the consequence would be, that many of our most valuable citizens will be ruined, their labor and money be lost, and their land revert to the Government, or fall into the hands of moneyed speculators. All this embarrassment was attributed, he said, by the best informed, to the operations of this stupendous bank. This very morning had this House passed a bill preventing the forfeiture of lands in Ohio, for the non-payment of the moneys due according to the terms of sale, until the 31st of March next. This is but a temporary relief, and is founded on the embarrassment occasioned by this bank on the moneyed transactions of the country. What had been the conduct of one of its branches, established at Pittsburg, so late as February last? They discounted somewhere about three hundred thousand dollars, since which they have required twenty-five per cent, as he was informed, to be paid in on all discounts—and would receive no money in payment of that curtail but specie, their own paper, or the paper of the banks of Pittsburg. Was this not calculated to ruin its borrowers, and those banks, and, through those banks, the surrounding banks and the people? When such was the pressure occasioned by this bank, with its present power and facilities, would this House afford additional powers and facilities to further, and more rapidly increase, the present alarming pressure? I trust and hope not, said Mr. M. Sir, unless this gigantic institution is governed by a more liberal and magnanimous policy than hitherto, it will too soon crush the State and local banks, and oppress the majority of this nation. What is the course now, he asked, in the West, in collecting Eastern debts? Why, sir, nothing but money that can be had but by few will be taken in payment; property will be sacrificed for little or nothing, as, in the nature of things, there can be but few purchasers, and the result will be, that the real property of the West will fall into the hands of the wealthy merchants and bank stockholders. Mr. M. said, in every point of view in which he could look at this bill, it was pregnant with evils. He, therefore, hoped it would not pass to a third reading; and moved, that when the question was taken, it should be taken by yeas and nays.

Mr. POINDEXTER, of Mississippi, said, that this was a late period of the session, affording no time for a discussion of this bill; and, as no absolute necessity could be alleged for its passage, he moved that the same be indefinitely postponed.

Mr. FORSYTH, of Georgia, said he could not see any necessity for the postponement of this bill. If the bill contains incorrect principles,

it ought not to pass at all; but, if otherwise, it might as well be adopted now as at the next session of Congress. For his own part, he said, he could not see the impropriety of giving to this institution the power of effecting the objects for which it was established. It must be obvious, he said, that the president and directors were under a moral obligation to comply with their engagements to the United States. What were those engagements? One of them was, to supply a sufficient quantity of paper for the purposes of the revenue. This obligation, it was clear, could not be performed, unless the officers of the bank have it in their power to prepare the paper. No gentleman would deny, that it was physically impossible for them at present to do it. This institution, he said, had been already two years in operation; and, with the most extraordinary exertions, had not been able to issue paper to an amount of more than twenty millions of dollars, more than twelve millions of which sum were post notes, which were, in the course of business, returned to them, and not reissued; so that, in fact, there were but eight millions of paper of the bank in circulation. The interest of the United States, therefore, and the accomplishment of the object for which the bank was established, demanded the passage of this bill.

But, there was another important reason, Mr. F. said, why he thought this bill ought to pass. According to the charter of the bank, there were two or three modes by which the object now sought could be effected by the bank, but in a manner more dangerous to the interests of the community than that proposed. The bank is authorized to trade in bills of exchange, and trades in bills with each of its branches. The directors then have nothing to do but make an order directing the president and cashier of each branch to draw on them small bills, payable to the bearer, and the object is effected. Gentlemen may shake their heads at this suggestion, Mr. F. said, but if they would look at the charter, they would see it might be done. And, as to the fear of such a measure being visited on their heads by the displeasure of this House, the directors had no reason to fear it; for, he said, the bank had already infringed its charter, in his opinion, in an extraordinary manner, and the attempt at an inquiry, even, into their conduct, was suppressed in this House. For an act such as he had suggested as within the power of the bank, the courts of justice would not set aside their charter; and he was for passing this law to remove all temptation to such a course, particularly as he saw no objection to the bill itself. If the gentleman who had spoken of the pressure upon the State banks would look into the subject, he would find that the cause of it was the deficiency of the paper in circulation; for, if there were abundance of the paper of the Bank of the United States in circulation, the State banks could certainly get it. The very objection which he had made to the passage of this bill was really a strong argument in its favor. It did not appear to Mr. F. that there was any reasonable objection to this bill; and any gentleman

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who would read the letter of the Secretary of the Treasury on this subject must, he thought, be satisfied of the necessity of such a provision as that contained in it.

Mr. ROBERTSON, of Louisiana, inquired whether this bill was founded on a petition from the stockholders? If not, he felt no disposition to act at all upon the subject.

The SPEAKER replied, that there was a petition from the stockholders.

Mr. HARRISON, of Ohio, said, that the opposition of the gentleman from Pennsylvania proved, very conclusively, that the people might aim at the same objects, and pursue different courses to attain it. Mr. H. said, he was in favor of the bill for the express reasons assigned by the gentleman from Pennsylvania for voting against it—to remove the pressure on the land offices. This pressure, said Mr. H., had been felt some time, but lately more severely, in consequence of orders from the Secretary of the Treasury prescribing the particular money to be received in payment: From my own knowledge I can say that of that money, the paper of the Bank of the United States, there is scarcely a note to be found in circulation. What was the alternative permitted to those who owed money for public lands? To pay the amount in specie. If the debts due to the United States were to be paid only in a species of paper not to be found, or in specie, was it not evident that the vaults of the State banks must be drained? It had been said, that there was abundance of the paper of the Bank of the United States in the offices of discount and deposit in the Western country. Mr. H. said, if that were the fact, there would have been no necessity for the measure proposed in the bill. But, he believed it was not the fact, and that there was a very small quantity of that paper in the Western country, it being constantly taken up by the merchants, and sent to the great cities of the United States to pay for goods. He was perfectly convinced, he said, that the pressure on the citizens of the West could only be relieved by a measure of the sort now proposed, and was therefore in favor of the bill.

Mr. CLAIBORNE, of Tennessee, hoped the bill would not pass. The Bank of the United States was already a pretty strong bank, and would be stronger some years hence. The State institutions would have to bend before the mammoth bank, as surely as the sun rises in the east and sets in the west; and the more Congress interfered with the charter of that moneyed aristocracy, in the course of its progress, the more they would enable it to operate on the people of the United States. The influences which grow out of moneyed institutions are always felt in every public body and in every state of society; and the older, the more firmly is their power established, the more certain is their influence, not only on this body, but on the people of the United States. Mr. C. said he had always entertained the opinion that the Constitution had never given to this Government the power to establish a National Bank, and he believed the people would feel

the effects of the assumption of that power too severely to refuse their assent to the excellence of the principles enforced by the Convention who framed the Constitution, and with much wisdom refused to grant the power to establish such corporations.

With respect to this particular bill, the ground on which it was supported was, that there not being a sufficient quantity of the paper of the bank in circulation, the public revenue could not be collected with convenience to the people who owe money to the Government. Mr. C. apprehended some error on this head, and that, so far as it operated on the people of the States of Ohio, Kentucky, Indiana, and, he was sorry to say, the State from which he came, the circulation of the paper of the Bank of the United States and its branches was rather calculated to oppress than to benefit the people. He took a view of the operation of the bank in the Western country. Every branch bank established had the authority to make drafts on the different branches in other States, and on the mother bank. These drafts were sold at a premium, and were paid for in the only money in circulation, the paper of the State banks, with which the branch bank either obtained the specie from the State banks or compelled them to pay interest on the amount. Who lose in this case? Not the holders of bank stock only, but the yeomanry of the country, because the effect was to depress the circulating medium and elevate the price of money in society; and by this operation, those best entitled to the favor of the Government were deprived of the opportunity of getting money to meet the demands which the Government has upon them.

Abandoning the argument that to increase the power of this institution would be ruinous to the independence of the country, which, as yet, he hoped, would survive the establishment of the bank, Mr. C. said he should like any gentleman to show to him any substantial advantage to be gained to the United States by imparting to the bank this power, seeing how unreal the benefits had proved which were promised from the first establishment of the bank. One of the main arguments urged in favor of the establishment of the bank was, that it was to regulate and equalize the currency of the country—a wild theory, Mr. C. said, which would never be realized in any country covering such an extent of territory as this. Money, like water, has its gravitating quality, and will settle down where it is most wanted. The bank, it is found, is totally incapable of producing these consequences. Nay, we find, at the doors of the mother bank itself, it cannot maintain the reputation nor credit of its own branches; for he was told that the notes of some branches had already been sold at a discount of three per cent., though, perhaps, no charge of misconduct could, on that account, be sustained against the president and directors of the bank. It was unnecessary to go into a train of reasoning to show that the branches cannot pay specie for the notes of other branches or of the mother bank. The fact, however, was certain, and it

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was in vain to expect that an institution of that kind could ever establish an uniform currency, in the sense in which the term had been employed by those who advocated the establishment of the bank.

The second great advantage proposed from the bank was, that, besides putting into circulation a mass of money of equal value to the amount, not only of the whole capital, but of much more, (which it must do, or its dividends can never reach the expectations of the stockholders,) it would prevent the evil and the crime of counterfeiting. Where the notes were all of one form, and signed by one set of officers, counterfeiting would be more difficult than it even yet unfortunately is, from the variety of denominations of notes in circulation, which is enough to confound the most intelligent and discriminating. Change the system by the passage of this bill, multiply and diversify the signatures, and the beneficial effect thus anticipated will at once be lost. For, if there be a necessity to appoint a vice president and vice cashier now, hereafter it will be more necessary, after the extension of the institution, to extend further facilities. It will become necessary that the field of action should be enlarged from time to time, as the influence of the institution extends itself throughout the United States; and, in time, we shall have as various signatures to the notes of the Bank of the United States as we have to those of the old State institutions.

There were not so many inconveniences from the issue of large notes and drafts by the bank as gentlemen imagined. Most of these passed through the State banks and gave them an opportunity of issuing their own notes for them. Nor, Mr. C. said, did he apprehend that the persons who were debtors to the United States could feel the difficulty which had been suggested. Conceiving, in short, that no advantage, but much injury, would result from the measure proposed in this bill, he hoped it would not pass.

Mr. INGHAM, of Pennsylvania, expressed his astonishment at the vehemence of opposition to this bill; for which, he said, it was impossible to account, without supposing some remains of attachment to exist in the breasts of gentlemen, to the rag system, which existed previous to the establishment of the Bank of the United States. It was certainly not necessary now to inquire whether the establishment of that bank was or was not Constitutional, or whether it had in its operation afforded all the advantages anticipated from it. These considerations, Mr. I. said, had nothing to do with the question now before the House, which was in itself so simple that nothing but the prejudice to which he had alluded could have drawn gentlemen into this extraneous discussion. The object was merely to authorize the bank to appoint a vice president and assistant cashier. Now, it was plain, that no one person, suppose he were to sign two thousand notes per day, which Mr. I. understood was the greatest number one person could properly sign, could sign notes to the amount of the capital of the bank, in less than two or three years, and that

some aid was necessary to divide the labor of signing with the present officers, in order to enable them to accommodate the public. Suppose the House to refuse to pass this bill, did gentlemen expect to preserve the character of this miserable trash of paper which covers the whole country, without a dollar to support it, which is lent out to anybody who will take it, without credit or property to justify it? Would gentlemen make the situation of these institutions any better by refusing to pass this bill? The consequence of such a refusal would be, that the president and cashier of the bank must be employed exclusively in signing bills of the bank, and on some other persons must be devolved the other important business which properly belonged to those officers.

Mr. MERCER, of Virginia, then addressed the Chair, in opposition to the bill. Its object, he said, was to extend the operations of the bank and its branches where already established, and to enable the bank to establish branches where they do not now exist; and, could he suppose that it was likely, without the proposed indulgence, the stockholders would be disappointed in their reasonable expectations of profit from the bank, he should suppress all the objections to it which he found in his breast, in order to perform what he should consider an obligation of public faith. But, he said, there was no reason to apprehend such a result. The bank had been in operation about fifteen months, the mother bank having gone into operation in January, 1817. At the first semi-annual dividend, they had declared a dividend of four per cent., being at the rate of eight per cent. per annum. This was at the end of the first six months of actual operation, when all the expenses of the organization of the bank, and putting it into operation, were incurred, and must of course have been charged. Mr. M. said he had heard a gentleman deeply interested in this institution say that the bank would be able to divide at least ten per centum per annum, a profit exceeding that of any bank south of the Potomac and north of South Carolina. Congress were therefore not bound, by any considerations of equity or good faith, to do anything to enlarge the profits of the bank, which would be the effect of the system proposed, and must have been the object of the stockholders in asking for it. Mr. M. said he should not, however, be disposed, were it not, in his opinion, forbidden by principles of expediency, to deny to the bank the opportunity of increasing its gain. Although the stock of the bank was now selling at forty-three per cent. above par, he should not refuse a measure which would raise it to an hundred per cent., if he did not feel that the primary interests of the country would suffer by such a course.

It were a sufficient argument against this bill, were there no other, that it would just double the danger of counterfeiting, and the inducements to the commitment of this crime; and in so far would deprive the institution of one of the leading arguments in its favor.

But, Mr. M. was opposed to the bill on other

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grounds. He had no prejudice, he said, against the moneyed interest. He would protect every one concerned in it by any act of sound legislation. He would not embarrass any of the great interests of the country by a system of narrow legislation. He was not personally a stockholder in any moneyed institution; he was glad at present that he was not in this interest, because he was called upon to exercise his judgment impartially respecting it. In the country which he represented, the profits of this system of banking, Mr. M. said, had been applied to the most beneficial purpose—education. He was indisposed to narrow the profits of the State banks, by extending the operation of this enormous institution in such a manner as to fetter their operations within limits too narrow for existence. He was not disposed to lend the aid of this House to carry the rills of influence from this institution through every valley and hamlet in the country. Let us suppose, said he, a branch of the Bank of the United States established along side of every State bank, and having every one of them indebted to it: I ask, under what circumstances, we shall legislate when called upon, on any occasional pressure, real or imaginary, to suspend specie payments? He looked forward, he said, with apprehension to the extension of this institution. He had been told that the bank only waited the passage of this bill to establish branches all through the State which he represented, and across its mountains. Could it be necessary, for the purpose of enabling the Government to collect its revenue, the ostensible object of the establishment of this bank, to establish more than one or two branches in each State of the Union? Certainly not; but, for the purpose of gain to the bank, branches were to be extended everywhere; and he asked if any benefit could result to the Government from facilitating the means of the bank to carry this object into effect?

Mr. M. said he was not here when this bank was incorporated; but he well remembered the arguments by which it was sustained. The House and the nation were told that the bank would establish a uniform currency, and break down the system of brokerage, so justly obnoxious. But, Mr. M. asked, has the predicted effect resulted, even in the very towns wherein branches are established? No; and can it result? Is it possible for the Bank of the United States to equalize exchange between the different sections of the country? Can they equivoise the balance of trade between the Atlantic and the Western country, until the country manufactures everything itself? The hope is illusory. The bank, he said, did not even attempt to equalize the exchange between this city and Philadelphia, although the mail passes from the one to the other at the rate of an hundred miles per day. If the attempt has ever been made, it is not from a consultation of the great interests of the country, but from personal regard to the individuals who were to be accommodated.

It was true, Mr. M. said, that, if the Treasury persisted in the arrangement relative to the paper

receivable at its collectors' and receivers' offices, it becomes important that the paper of the Bank of the United States should have a general circulation. He was willing, for one, however, to give his assent to a bill which should restrain such oppression, and compel the Treasury to receive the paper of all banks which pay specie, instead of giving such a preference to the Bank of the United States, beyond the requirement of the law, as to make necessary the proposed extension of its privileges. We have given, said he, to this moneyed interest, a body to act, a head to meditate, and, moreover, a heart in which, as in every human heart, ambition and avarice have a place. I am unwilling now to give them a power to extend their operations to every valley and to every mountain top, in every State in the Union. Let them stop where, when you gave them their charter, you meant that they should stop—where your revenue is collected. I will resist these encroachments as long as I can, and, if I fail in my object, I shall, at least, have the pleasure of recollecting that I have taken the first opportunity which has offered to raise my voice against them.

It had been said that it was necessary to pass this bill, in order to extend the operations of this bank to the extent of its capital. Already, Mr. M. said, the bank had divided its profits at the rate of eight per cent. per annum; and it would be recollected, that, during the existence of the old Bank of the United States, the circulation of its paper never exceeded seven millions and a few hundred thousand dollars. The banks in the interior must depend for profits on the circulation of their paper; but the Bank of the United States, located in the great cities, was not dependent on any such contingencies for its profits. But, what is the ability of the bank to issue paper with its present officers? It has been in operation fifteen months, and has issued seventeen and a half millions of paper, of which the post notes do not amount to seven millions; leaving eleven millions, in round numbers, in circulation, and these issued within fifteen months. Give to the bank three years' time, and at this rate they will have issued thirty-three millions, and in five or six years sixty or seventy millions! And in time, he had no doubt, they would, without the aid of this bill, supplant all the State institutions. The States, Mr. M. said, had all exacted from the banks which they had chartered heavy premiums; much heavier than that paid by this bank to the United States. The premiums paid by the banks of Virginia had built up a credit for Virginia equal to that of any other State. If this were a new question, for the first time agitated; if Congress were about to create a new system, he would concur with gentlemen; he would in that case have but one bank, and derive all the paper for circulation from one institution, which should be regulated, not by a corporation, because the conduct of moneyed corporations is always ruled by avarice; but by some plan which should insure the conformity of the measures of the bank to a great national policy, &c. But we

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have long ago passed that stage; and numerous banks have been incorporated over the country, under the strongest pledge of the faith of the States to support them, &c., and, Mr. M. said, he would not, in his new character of a representative in Congress, do that which he should be ashamed to do in another, by lending his vote to injure the banks which had paid premiums to the States, of an amount which could not be justified by the state of things which must follow the further extension of the Bank of the United States.

As to the suggestion which had been thrown out, that, if the passage of this bill were refused, the bank could accomplish its object by issuing paper in the shape of bills of exchange, Mr. M. asked, if bills of exchange were payable to bearer? He had never seen any such; they are always payable to order. But if the bank did attempt in that manner to supply a circulating medium, would it not be a violation of their charter? Were gentlemen willing to put such a construction on the act of incorporation? Mr. M. knew very well, he said, that such an institution may buy half the legal talents of the country, and obtain authority for very ingenious constructions of a plain provision. But, said he, we have the power to restrain avarice, and defeat ingenuity, and I look to that source for some consolation.

He concluded by saying, he trusted the motion for indefinite postponement would prevail by a large majority; it had his most hearty approbation. He regretted that it was now too late a period of the session to discuss, as it ought to be treated, a subject so interesting, and of which so many views might be taken, that it was impossible, in this brief debate, to do it anything like justice.

Mr. WHITMAN, of Massachusetts, expressed his surprise at the course of this discussion; the question being simply whether Congress would grant relief to the president and cashier of the Bank of the United States, from the oppressive labor of signing bills; for it was those officers who were suffering. The bills of the bank must be signed, and these officers were now compelled to work night and day, and perform labors calculated to destroy their constitutions and shorten their lives. The interest of the institution required these labors, besides the other important duties required of them, and they must be performed. If the constitutions of the present officers fail, they must give way, and others be chosen, not for their abilities, but for their robust constitutions. This must be done, and will be done. The gentleman from Virginia supposed the bank could not accomplish their object by means of bills of exchange. But, Mr. W. said, he could tell the gentleman what they could and would do. In any of the branches, when deposits were made, they would authorize receipts to be given, by small or large sums, and payable to bearer, signed by the president and cashier, and which would everywhere circulate as money. Would not this be a greater inconvenience than

to have bills signed by two sets of individuals, as proposed by the bill? Certainly the opposition to the bill was very unreasonable. If gentlemen apprehended any danger from the bill, let them limit it to three years, or even a shorter time. But, in some shape, it was evident the bill ought to pass.

Mr. S. SMITH, of Maryland, said, he had made up his mind to take no part in the present discussion, nor should he have risen, but for an observation, to wit: that the reporter of the bank charter (Mr. CALHOUN) had assured the public, that the bank would regulate the exchanges throughout every part of the Union. I was not (said he) in Congress when the charter was reported by that gentleman, as chairman of the committee on national currency, but I took my seat before it was called up for discussion, and, having taken a part in the debate, I gave it my attention, and I think I may say, that the assurances were to this effect, "that the bank would tend greatly to equalize the exchanges between the several States and with foreign nations." Has it had that effect? I think it has, and more rapidly than was expected by its most sanguine friends. What was our situation when the bank charter passed? An almost general depreciation of bank notes. The money of Baltimore, and this District, was 20 per cent. less value than that of Boston, 15 per cent. less than that of New York, and 10 per cent. less than either Philadelphia, or Virginia; yet the fact was well ascertained to Congress, that the banks of Baltimore had more specie in their vaults, in proportion to their capital, and notes in circulation, than either the banks of Philadelphia or New York, and equal to those of Virginia: the difference between the notes of Virginia and Philadelphia, and those of Boston, was ten per cent. The Boston banks paid their notes in specie; no other State banks did. The result was that the merchants and people of the States, whose banks paid in paper, paid less real value to the Treasury, for the duties and taxes, than the Eastern people. Baltimore, for instance, paid only 80 dollars when Boston paid 100 to the Treasury. This was a just subject of complaint. How was this to be obviated? Some gentlemen thought the State banks could be coerced to resume specie payments, but Congress had no power over them. That subject was very fully discussed. The State banks believed they could not, with safety to themselves, undertake to resume specie payments. And, although I differed with them in opinion at the time, yet I am now free to confess, that they could not have resumed without the aid of the Bank of the United States. Baltimore owed, at that time, to New York, one million five hundred thousand dollars, which debt was thrown principally on the United States Branch for payment. Had the banks of Baltimore undertaken to pay their debts in specie, all they had in their vaults would have been drawn out to pay that debt, and the debts due to Virginia, Philadelphia, and Boston. The branch bank discharged those debts in effective money. I have said, "that the bank equalized

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the exchange more rapidly than could have been expected." Yes, sir, in a very few months after its organization, the exchanges from Boston to Richmond were at par, and have so continued. Some difference of exchange exists in Charleston, Savannah, and New Orleans, but not more than the cost of transporting specie from Philadelphia, perhaps two to three per cent. The facilities given to the Eastern merchant, by the bank paper, fully compensates him in his purchases of cotton for that small loss. Bank paper of the United States passes in every part of the United States, in all purchases, equal to gold or silver; and why should it not? All debts due by the bank, either for its notes or accounts, are paid in specie when demanded. I know of no instance where specie has been refused by the bank, or any of its branches, to any person having a right to demand it. I speak with confidence when I say, none such has occurred in Baltimore. The demand for specie, for the trade beyond the Cape of Good Hope, has been immense—much greater, I understand, than formerly. To meet that demand, and to reinstate public confidence in bank notes, the bank has been under the necessity of importing specie to a large amount. To what extent, I know not; but, I may venture to say, little short of four millions. And I understand, they have agents, purchasing specie, in Europe and the West Indies, which they pay for by bills of exchange purchased from the merchants. Bills of exchange on London, when the bank began, were about par in Boston, ten per cent. above par in Philadelphia, twenty per cent. in Baltimore and this District. They are at present one to one and a half per cent. above par at all those cities, and will soon be at par. From this view, it is evident, that the bank has effected the object relative to the exchanges which had been contemplated by its friends, and this good has been effected without any material injury to any of the State banks. It is true, the bank operates as a check to those institutions. They are now under the necessity of curtailing their operations, and of doing only as much business as their capital and deposits will justify. Those banks which are sound, and discreetly managed, will probably divide, in future, eight per cent. They can no longer inundate the country with paper. The Bank of the United States, as far as I have been informed, has acted towards them the most friendly part. I may say that they are on friendly terms in Baltimore. Every kind of accommodation that either can, with propriety, give, has been afforded. Harmony, and a good understanding, is mutually useful; and, I have no doubt that the real interest of both will induce a continuance of forbearance and friendship towards each other.

The facility of merchants and others transferring their funds from one part of the Union to the other, without risk, by means of bank drafts, is very great. For instance, does any member want to send money from hence to Boston, New Orleans, Kentucky, or any part of the Union, where there is a branch? He has only to apply to the branch bank in this city, and he will re-

ceive a check, payable to whom he pleases, on the branch nearest to the place of his residence. If a merchant in Baltimore wants to pay his debt in New York, he has only to apply to the branch bank, and he will receive a check, payable to his creditor in New York, on the branch bank here. This, Mr. Speaker, is the common course; but there are times when the balance of trade may be so much against one city, and in favor of another, that drafts of the bank cannot be given, and such cases have happened, and will again happen. Whenever they do, the mother bank uses its best endeavors, by a supply of specie, to correct the inconvenience. The gentleman from Virginia, (Mr. MERCER,) complains, that he applied at the branch bank for a check on New York, and was refused. But how did he apply? Did he offer the United States bank notes? No, sir—he offered the notes of one of the District banks; and, certainly, ought not to have expected, that the branch bank would have given him a check on New York for paper not its own. Every bank, or branch, is bound to take care of itself. The United States own one-fifth of all the stock of the National Bank, and ought, and will expect care and caution on the part of the bank and its branches. The gentleman might as well have brought district notes to the branch, and demanded specie for them; for, with the check of the branch, his friend at New York could have demanded specie for its amount. The same gentleman believes, that Government did not receive an equivalent for the charter. I differ with him entirely. The United States own one-fifth of the stock, which is paid for, say seven millions in five per cent. stock.

If the bank divides eight per cent. then the Government gain three per cent. on its seven millions, say two hundred and ten thousand dollars per annum; or, for twenty years, the charter term, - - - - - \$4,200,000

Bonus \$1,500,000, with interest thereon, in twenty years, above - - - 3,000,000

Twenty loan offices saved, the bank being bound to do the duty of loan offices, and to pay all the pensions to its own cost, \$100,000 per annum, or, for twenty years - - - 2,000,000

Gain in twenty years to the U. States \$9,200,000

Thus the actual positive gain to the United States by the bank, during its term of twenty years, will exceed \$9,200,000. The bank is, besides, compelled, at its own cost, to place money wherever the same may be required within the United States, for the wants of the Government; for this and the collection and safe-keeping of the public money, it has an equivalent in the public deposits. There is one good which has resulted to the Treasury from the establishment of the bank, and to which I beg leave to call the attention of the House. It is that, when the bank began to act, the Secretary of the Treasury placed with it bank notes of the interior banks to an amount exceeding \$4,500,000, which had been received for taxes and public land. Those

notes were of no more use to the Treasury than so much blank paper. They would pay no debt. The bank, by its agents, and its own cost, have realized above \$3,000,000 thereof, without injury to such banks. The balance of perhaps \$1,500,000, cannot be collected. The banks have not the means of payment, and, it is feared, that much of that large sum is in jeopardy. Some have agreed to pay interest, whilst others can do nothing towards payment. The establishment of the bank has effectually cured such evil in future, and will check the interior banks from an intolerable emission of paper, injurious to the credit of bank notes. They are now confined, as they ought to be, to issue notes only in proportion to their capital and deposits. If the United States Bank had not been established, the depreciation of bank notes, which had already commenced to an alarming degree, would have continued until they had become little better than continental money, and been ruinous to the country.

What does the bill propose? Simply to authorize the bank to appoint a vice president and vice cashier, whose sole business shall be to sign bank notes, and why? Because it has been found physically impossible for the president and cashier to sign notes sufficient for the medium required for the use of the country. The gentleman from Pennsylvania, (Mr. MOORE,) opposes the bill, and, at the same time, tells you, that a bill has passed giving further time for the payment of land in Ohio, because there is not specie in the country, or United States Bank notes in that State, wherewith to pay—and why, Mr. Speaker? The reason is obvious, to wit: that the president and cashier cannot sign notes sufficient to supply the branches in Ohio, and other States. The bill, if passed, would save that difficulty, and, surely, the gentleman ought, from his own showing, to vote for the bill. But he tells us that the branch at Pittsburg has acted very improperly towards its customers. I am sorry for it; I know not the cause, but suppose that the directors have been checked by the mother bank for having, in the commencement of their operations, discounted too liberally; and I have no doubt that in a few weeks the business will be accommodated satisfactorily.

Mr. Speaker one great object of the bank was to afford an adequate circulating medium, that would be uniform throughout the Union. To effect this it is necessary to have a sufficient number of notes signed, to enable the bank to put twenty millions of dollars in circulation. The president and cashier cannot (having their other business to attend to) sign more than fifteen hundred notes each day. At that rate it would require more than four years for them to sign the number and kind necessary for circulation. And what harm can result from granting this facility? I can conceive of none. It has been alleged that the bank will put too many notes in circulation. This cannot be; the charter confines them; and if it did not, I am certain they could not put out more notes than two thirds the amount of their capital. No bank can, (when

it is compelled to pay specie) unless where there is but one bank in a city, into which all the deposits of the merchants are received. If the deposits are on an average equal to the amount of the capital, then the bank can safely issue more notes. This cannot happen with the Bank of the United States or any of its branches.

The gentleman from Tennessee, (Mr. CLAIRBORNE) has said that the notes of the State banks pass equal to gold and silver in their vicinities, and therefore the United States Bank notes are not required in any great number. The gentleman may be, and perhaps is, generally correct; but he knows well that the State bank notes have little or no currency out of their immediate neighborhood. The notes of the interior banks will not pass in the cities of their own State. The gentleman knows that the district notes will not pass in Baltimore, nor Baltimore notes in Philadelphia; which city he has lately visited.

Banks, Mr. Speaker, are frequently complained of, and often without cause. The directors are delicately situated; they are acting for others, and are bound to act with caution. If they, by a desire to oblige, extend their discounts too liberally, if they issue too many notes, if they credit indiscriminately, they endanger the institution to save themselves; they will be compelled to check suddenly their discounts, as has been the case probably at Pittsburg, and thereby cause injury to individuals. If the banks refuse discounts to some, although there may be good cause, those persons are offended; consider themselves aggrieved, and are loud in their complaints. Banks are desirous of making good dividends, and will always discount good paper when their own situation will permit. Banks may be run upon for specie to their great disadvantage, and to that of commerce in general; for in such cases they must lessen their discounts, to save their specie. This of course injures all the merchants not engaged in the export of the precious metals. In case of a great demand for specie, such as has lately been felt, the banks become cautious, and perhaps refuse discounts to persons who they know want to export, or to draw the dollars and sell them to exporters. This causes an outcry against the banks. To such complaints we should pay little attention. The principal demand for specie has been upon the Bank of the United States and its branches, not only for export, but to supply the vaults of State banks lately created. Virginia has established a number, I believe, called the Valley banks, each of which were compelled to have a certain amount of specie in their vaults before they could commence business. Those banks have had recourse to the Bank of the United States for part of their specie, and have been supplied. That specie will probably soon find its way back into the bank or its branches, by the course of trade, (for the notes of those banks will pay no debt in any of the cities) and that circumstance will be a new source of complaint.

Mr. Speaker, the bill, if it should pass, will be of utility to the banks of the interior; the notes

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will be made more numerous; they will supply a medium; will be received by the farmers for their produce, carried into the country, deposited in the banks of their vicinity, and there be kept, until required by the country merchant to pay his debts to the merchants of the city; and thereby save the interior banks from being drawn upon for all their specie. The National Bank notes are to all intents and purposes equal to gold, and silver, for all the uses of the interior banks. And when they come to understand its utility as well as the gentleman from Tennessee (Mr. CLAIBORNE) they will take every fair means to procure those notes. That gentleman has told you that already the interior banks have begun to understand their utility, and secure them whenever they can, considering them as a full security to meet demands upon them, which otherwise would draw away their specie.

In line, Mr. Speaker, I think I can see that some good will result from the bill now before the House, and no possible evil, and, therefore, it shall have my vote.

Mr. JOHNSON, of Kentucky, considered it entirely improper to go into the merits of the establishment of the Bank of the United States; nor would he say anything of the influence of that bank—he had voted against that influence, and had nothing more to say on that question. He should confine himself to one point; and, in voting in favor of the bill, he should not do it under the influence of the Bank of the United States. He should vote for it, to give to the State banks an equal chance, believing that it will operate in their favor. At present, in Kentucky, for instance, a merchant will accumulate, in his possession, paper of the local banks; will go to Lexington with his five or ten thousand dollars, deposit his notes in the branch bank, and take a check on Philadelphia. The State institutions have no opportunity to get the paper of the Bank of the United States, because there is none in circulation. The consequence is, that the local institutions become tributary to the Bank of the United States. As long as the State banks pay their notes in specie, and the Bank of the United States alone imports specie, it is advantageous, for the purpose of preserving the solvency of the local institutions, that the notes of the Bank of the United States shall have a general circulation. In this view of the subject, alone, Mr. J. said, he should vote for the bill.

Mr. CLAIBORNE again spoke, pretty much in detail, against the bill, as unnecessary on any pretext. He entered into sundry calculations to show, that, by signing bills for five hours a day, of as low denominations as ten dollars, one person might sign, in one year, to the amount of twenty-eight million five hundred thousand dollars, on a moderate computation; but, if part of the bills were of a larger denomination, to a double amount, &c. As to the parental care over the State banks, which the gentleman from Maryland ascribed to the Bank of the United States, it was a care much the same as that of a jealous step-mother, and its

power over them as great as that of a parent over an enfeebled child.

Mr. TAYLOR, of New York, said, he had one or two objections to the bill. In the first place, the bank had not asked for the passage of such a bill. They had asked, that the presidents and cashiers of the branches might be authorized to sign bills; but this, even the gentleman from Maryland was not willing to concede to the bank. The passage of this bill, he also said, would not serve the purpose avowed by its supporters, of relieving the pressure felt from the want of a sufficient quantity of circulating medium. The reason the notes of the Bank of the United States were not in general circulation was, that those who were interested in the State banks laid hands on them for the purpose of depositing them in those banks, and thus put them out of circulation. The president of the bank could very easily sign as many notes as it would be prudent for the bank to issue, and ten other men to sign notes would not remove the difficulty. If the bank had asked the passage of such a law, he would go more seriously into the consideration of the proposition; but their not having done so he regarded as an objection, at the threshold, fatal to the bill.

Mr. FORSYTH replied to Mr. TAYLOR, that the stockholders of the bank had asked relief in one shape; and if Congress, disapproving that, chose substantively to grant relief in another way, it surely could not be improper. With regard to the scarcity of the paper of the Bank of the United States in circulation, it was owing, not so much to the cause suggested by the gentleman from New York, as to the difficulty of preparing paper of a shape fitted for common use, that is, of small denominations. The passage of this bill was essential to the public interest, and to the convenience of the people generally, inasmuch as it was impracticable for the present officers to prepare such paper in proper quantities. Mr. F. then went into a train of reasoning to show the difficulties under which the community labored from the scarcity of this paper.

Mr. T. M. NELSON, of Virginia, spoke briefly against the bill—

When the question was taken on the indefinite postponement of the bill; and decided by yeas and nays; for the postponement, 85 against it 50, as follows:

YEAS—Messrs. Austin, Baldwin, Barbour of Virginia, Barber of Ohio, Bateman, Beecher, Bennett, Blount, Boden, Burwell, Campbell, Claiborne, Cook, Crawford, Cruger, Darlington, Desha, Drake, Edwards, Ellicott, Erving of South Carolina, Floyd, Forney, Gage, Garnett, Hendricks, Herbert, Herkimer, Herrick, Hitchcock, Hogg, Holmes of Connecticut, Hubbard, Hunter, Huntington, Irving of New York, Johnson of Virginia, Jones, Kinsey, Linn, Little, Livermore, Marchand, Mason of Rhode Island, Mercer, Merrill, Miller, Moore, Morton, Murray, T. M. Nelson, Ogle, Owen, Palmer, Patterson, Peter, Pleasants, Poindexter, Porter, Reed, Rhea, Ringgold, Sampson, Savage, Scudder, Settle, Sherwood, Slocumb, Ballard Smith, Speed, Spencer, Stewart of North Carolina, Stuart of

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Maryland, Tarr, Taylor, Tompkins, Tucker of Virginia, Tucker of South Carolina, Walker of North Carolina, Walker of Kentucky, Wallace, Wendover, Whiteside, Williams of Connecticut, and Wilkin.

NAYS—Messrs. Adams, Allen of Vermont, Bassett, Bloomfield, Boss, Butler, Clagett, Cobb, Colston, Crafts, Forsyth, Hall of Delaware, Harrison, Heister, Hopkinson, Ingham, Johnson of Kentucky, Kirtland, Lowndes, W. P. Maclay, McCoy, Mason of Massachusetts, Middleton, Moseley, Mumford, H. Nelson, Pawling, Pindall, Pitkin, Rich, Richards, Robertson of Kentucky, Robertson of Louisiana, Rogers, Ruggles, Sawyer, Sergeant, Silsbee, Simkins, S. Smith, J. S. Smith, Southard, Strong, Strother, Townsend, Trimble, Upham, Whitman, Williams of North Carolina, and Wilson of Pennsylvania.

INVALID PENSIONS.

The House then resolved itself into a Committee of the Whole, on the general invalid pensioners' bill.

This bill, as usual, occupied the Committee some hours, and produced considerable discussion, arising on motions by different gentlemen, to insert in the bill the names of various invalid soldiers, either not previously sent to the Committee on Pensions, or reported on unfavorably by that committee. These cases rarely involve any new principle, and are too confined in their interest to require particular notice.

The only motion which varied materially from the general character, on this subject, was one made by Mr. CLAY, to insert the name of Charles Earnest, an orphan boy, in the bill, as a pensioner. The facts in this case, as stated by Mr. CLAY, were, that the father of this boy, Charles Earnest, received a wound at Bladensburg which caused his death, leaving his infant son destitute and unprotected, and the more forlorn, as he is both deaf and dumb. To defray the expenses of educating this unfortunate child at the asylum of the deaf and dumb, in Connecticut, Mr. C. moved to authorize the sum of two hundred and fifty dollars a year, to be expended under the direction of the Secretary of War; and followed his motion by a short, but touching appeal to the generous and patriotic feelings of the House.

The motion was carried without opposition, and almost without a dissenting voice.

The Committee then proceeded with the bill, on which it was busily engaged till between six and seven o'clock, when, having gone through with it, the Committee rose and reported it with some amendments to the House.

The House then adjourned.

FRIDAY, April 17.

Mr. S. SMITH presented the petition of the owners of the private armed schooner *Midas*, on behalf of themselves, the officers and crew of said schooner, praying to be allowed the bounty granted by the act of March 19, 1814, on a crew of black prisoners of war, which was brought into port by the said private armed vessel.—Laid on the table.

The Committee on Commerce and Manufactures were discharged from the consideration of

the resolution submitted yesterday, by Mr. POINDESTER, upon the subject of an act of the General Assembly of the State of Mississippi.

Mr. SEYBERT, from the Committee on Commerce and Manufactures, to which was referred the bill from the Senate, entitled "An act concerning tonnage and discriminating duties in certain cases," reported the same without amendment, and the bill was ordered to lie upon the table.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Samuel F. Hooker," reported the same without amendment; and the bill was committed to the Committee of the Whole, to which is committed the bill for the relief of B. and P. Jourdan and Brothers.

Mr. SOUTHARD, from the Committee on that part of the President's Message which relates to Indian Affairs, to which was referred the bill from the Senate, entitled "An act fixing the compensation of Indian agents and factors," reported the same without amendment, and the bill was ordered to be read the third time to-morrow.

The Committee on Military Affairs were discharged from the further consideration of the petitions of John H. Piatt and Camillus Griffith, and they were laid on the table.

The Committee on Naval Affairs were discharged from the further consideration of the petition of the surgeons in the Navy of the United States, as also from the resolution adopted on the 11th of December last, respecting the rank and emoluments of navy surgeons, and they were laid on the table.

Mr. BURWELL, from the committee to whom was referred the petition of Jonathan Elliot, and the report of the Secretary of State thereon, reported a bill authorizing a subscription to an edition of Domestic State Papers; which was read twice, and committed to a Committee of the Whole.

Mr. SCOTT, from the committee appointed for the purpose, reported a bill to suspend the sales of certain lands in the State of Louisiana and Territory of Missouri; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. PLEASANTS, the Secretary of the Navy was instructed to lay before this House, at an early period of the next session of Congress, a statement of the different places in the United States in which provision is made for the accommodation of seamen under the several laws relating to the navy and marine hospitals, the number of persons, as nearly as it can be ascertained, annually accommodated at each, and the expense attending the same; also, an estimate of the costs which will attend the erection of a naval hospital at this place, sufficiently large for the number of persons annually provided for.

The House then took up the amendments of the Senate to the bill to enforce neutrality.

The House, on motion of Mr. FORSYTH, disa-

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greed to that amendment of the Senate, which proposed to continue in force so much of the act of 1797, as makes it punishable by the courts of the United States, for a citizen to take out of the limits of the United States a commission to serve against any foreign Power in amity with the United States.

The remainder of the amendments of the Senate were agreed to by the House, and were little more than verbal, with the exception of two: one of which proposed to punish the delivery of commissions from a foreign Government to vessels, &c., within the United States; the other, was the rejection by the Senate of the section incorporated in the bill in this House, on the motion of Mr. CLAY. This section was stated by Mr. FORSYTH to be wholly unnecessary, since the decision of the Supreme Court in the case of *Palmer and others*—parts of which Mr. F. read to the House.

The House then took up the report of the Committee of the whole House, on the bill concerning invalid pensioners; and, after receiving and discussing numerous amendments proposed thereto, the bill was finally ordered to be engrossed for a third reading.

The House (having, on motion of Mr. LOWNDES, previously discharged the Committee of the whole House therefrom) took up successively the bills "supplementary to the several acts relative to direct tax and internal duties," and "for changing the compensation of Receivers and Registers of land offices," and spent nearly two hours busily in maturing the details of these bills; after which they were severally ordered to be engrossed for a third reading.

The House resolved itself into a Committee of the Whole, on the bill supplementary to the several acts making appropriations for the year 1818; also, on the bill to regulate and fix the compensation of clerks in the different offices; and on the amendments proposed by the Senate to the bill, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the clerks employed in their offices; and, after some time spent therein, the Committee rose, and reported the said bills with amendments to each, and their agreement to the amendments proposed by the Senate to the last-mentioned bill.

The amendments to the bill supplementary to the several acts making appropriations for the year 1818, were read and concurred in by the House; and the bill was ordered to be engrossed, and read a third time to-morrow.

The amendments to the bill, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the clerks employed in their offices," were read and concurred in by the House.

The amendments to the bill to regulate and fix the compensation of clerks in the different offices, were read and concurred in by the House; and the bill was ordered to be engrossed, and read a third time to-morrow.

The House resolved itself into a Committee of

the Whole, on the bill for the relief of *Madam Poidevin*; which was reported without amendment, and ordered to be engrossed, and read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed the resolution "directing the completion of the survey of the waters of the Chesapeake bay, and for the establishment of naval arsenals, and for other purposes," with amendments; in which amendments they ask the concurrence of this House.

The Committee on Pensions and Revolutionary Claims were discharged from a further consideration of the several petitions and other matters referred to them, and upon which they have not reported; and they were laid upon the table.

An engrossed bill to authorize the recovery of public moneys, was read the third time, and ordered to lie on the table.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of the houses of *Thomas and John Clifford*, *Elisha Fisher and Company*, *Thomas Clifford and Son*, and *Thomas Clifford of Philadelphia*, and *Charles Wirgman of Baltimore*," were read, and concurred in by the House.

MILITARY PEACE ESTABLISHMENT.

Mr. TRIMBLE submitted the following resolutions, viz:

"1. *Resolved*, That the Secretary of War be, and he is hereby, instructed to report to this House, at an early period of the next session of Congress, whether any, and, if any, what reduction may be made in the Military Peace Establishment of the United States with safety to the public service."

"2. *Resolved*, That the Secretary of War be, and he is hereby, instructed to report to this House at an early period of the next session of Congress, whether any, and, if any, what change ought to be made in the ration established by law; and also report a system for the establishment of a commissariat for the army."

Mr. TRIMBLE said that, intending to bring this subject before the House at this session, he had, with that view, paid some attention to the present Peace Establishment, but the bill from the Senate proposing a reduction in the medical and hospital staff had come up too late to hope for a general reformation. From the discussion which took place on that part of the bill, proposing a change in the law touching the contractors, it was manifest that information was wanted on the subject of a commissariat; and, as that subject must necessarily be acted on at the next session, it would probably be best to have a report from the War Department, made out upon mature reflection, and which would serve as a proposition to act upon. He knew that it would be highly improper to consume time by stating the principles upon which the Military Peace Establishment of the United States ought to be predicated, and still more improper to go into details on the subject. He would only add, that a saving of half a million, he might say seven hundred and fifty thousand dollars could be made, and the

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army be left as efficient, he would say more efficient than it was at present. Indeed, it was impossible to say what sums could be saved by the establishment of a commissariat, properly organized, for our service.

Mr. SMITH, of Maryland, opposed the resolution, and briefly referred to the various fortifications and extensive frontiers to show, that a reduction would be incompatible with the public interest; another objection was, that this resolution would leave many officers in doubt as to the length of their continuance in service. He concluded, by moving that the words "of the expenses of," be inserted after the word "reduction."

Mr. WILLIAMS, of North Carolina, opposed this amendment, and advocated the resolution, on the ground, that the present Military Establishment was more expensive than it ought to be, and was larger than necessary; it being his opinion, as declared on a former occasion, that an army of six thousand was amply sufficient for a Peace Establishment.

Mr. REED made some remarks of the same character, in favor of the resolution; and hoped the report would be required at an *early period*, and suggested the introduction of these words, which were accepted by the mover, and inserted.

Mr. MILLER made a few remarks against the first resolution, and moved that it be stricken out of the proposition.—This motion was lost.

After some further conversation, Mr. SMITH's motion was agreed to; and, as amended, the resolution was adopted.

The House then took a recess until half after seven o'clock P. M.

HALF PAST SEVEN O'CLOCK P. M.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the public buildings and for furnishing the Capitol and President's House," were read, and the first thereof disagreed to, and the residue concurred in by the House.

The amendments proposed by the Senate to the resolution "directing the completion of the survey of the waters of the Chesapeake bay, and for the establishment of naval arsenals and other purposes," were read and concurred in by the House.

Ordered, That the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act to increase the salaries of certain officers therein mentioned," be discharged, and that the bill be committed to the Committee of the Whole, to which is committed the bill for the relief of Cornelia Mason.

The House resolved itself into a Committee of the Whole, on the bill to alter and establish certain post roads. The bill was reported with sundry amendments; which were read and concurred in by the House, and the bill was ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Cornelia

Mason; also, on bills from the Senate, entitled "An act for the relief of the heirs of Landon Carter;" and "An act to increase the salaries of certain officers of Government therein mentioned;" and after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

SATURDAY, April 18.

Ordered, That the several reports of commissioners appointed to settle the claims to land in several of the States and Territories of the United States, which have been transmitted by the Commissioner of the General Land Office to this House, and to the Committees on Public Land and on Private Land Claims, be returned by the Clerk to the said Commissioners of the General Land Office.

Ordered, That the Committee of Commerce and Manufactures be discharged from the consideration of the petitions and other matters to them referred at the present session upon which they have not acted, and that they lie on the table.

Ordered, That the Committee on the Public Lands be discharged from the consideration of the petitions and other matters to them referred at the present session upon which they have not acted, and that they lie on the table.

Ordered, That the select committee, appointed on the 17th of December last, on the subject of extinguishing the Indian title to lands granted by Virginia to her officers and soldiers in the Revolutionary army, be discharged from the consideration of the petitions and other matters referred to them upon which they have not acted, and that they lie on the table.

Ordered, That the Committee on the Judiciary be discharged from the consideration of the charges preferred by Edwin Lewis against Judge Toulmin, and that the papers connected therewith lie on the table.

Ordered, That the committee appointed on the petitions of Benjamin and John Wells, and John Webster, be discharged, and that the petitions lie on the table.

Ordered, That the Committee of Claims be discharged from the consideration of the petitions and other matters and things referred to them at the present session upon which they have not acted.

Mr. TAYLOR, from the committee to whom was referred the report of the select committee upon the expenses incurred under the 4th, 5th, 6th, and 7th articles of the Treaty of Ghent, made a supplemental report; which was read, and ordered to lie on the table and be printed.

Ordered, That the committee appointed on the 27th ultimo, upon the subject of prosecutions of petitions of right and informations of intrusion, in cases wherein the United States are concerned, be continued, with power to report thereon at the next session of Congress.

The SPEAKER laid before the House a letter from Benjamin O. Tyler, accompanied with a copy of the Declaration of American Independ-

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Relief of General Stark—Day of Adjournment.

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ence, which he has lately executed and published; being, as he states, "the first and only *fac simile* copy of the signatures of that document ever copied or published;" which letter was read, and ordered to lie on the table.

The bill from the Senate, entitled "An act fixing the compensation of Indian agents and factors," was read the third time, and passed.

Engrossed bills of the following titles, to wit: An act to establish and alter certain post roads; An act concerning invalid pensioners; An act for the relief of Madame Poidevin; An act to regulate and fix the compensation of clerks in the different offices; An act supplementary to the several acts relative to direct taxes and internal duties; An act supplementary to the several acts making appropriations for the year 1818; An act for changing the compensation of receivers and registers of land offices; and An act to suspend the sales of certain lands in the State of Louisiana and Territory of Missouri; were severally read a third time, and passed.

The House took up and proceeded to consider the bill from the Senate, entitled "An act concerning tonnage and discriminating duties in certain cases;" and the same being amended, the amendment was ordered to be engrossed, and the bill to be read a third time to-day; which was subsequently done, and the bill passed.

The Committee of the Whole, to which is committed the bill from the Senate, entitled "An act for the relief of the heirs of Landon Carter," was discharged, and the bill postponed indefinitely.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Cornelia Mason; also on the bills of the Senate, entitled "An act to increase the salaries of certain officers of Government;" and "An act authorizing a subscription for the Statistical Annals of Adam Seybert, and the purchase of Pitkin's Commercial Statistics. The first and last mentioned bills were reported without amendment, and the second mentioned bill with amendments.

The bill for the relief of Cornelia Mason was ordered to be engrossed, and read a third time to-day; which was subsequently done, and the bill passed.

The House then took up the bill authorizing a subscription for the Statistical Annals of Adam Seybert, and the purchase of Pitkin's Commercial Statistics; when a motion was made by Mr. Ingham, to amend the said bill by striking out that part thereof which proposes to purchase five hundred copies of Pitkin's Commercial Statistics; which motion was rejected; and the bill was ordered to be read a third time to-day.

RELIEF OF GENERAL STARK.

Mr. BUTLER, of Vermont, moved that the Committee of the Whole be discharged from the further consideration of the bill for the relief of Major General John Stark, with the view of getting the bill before the House, and having it acted on; and to induce the House to consent to this course, Mr. B. made a few remarks, stating that

General Stark was now at the great age of ninety years and in indigent circumstances, and trusted the House would not refuse to extend relief to this aged and meritorious veteran.

Mr. HARRISON hoped the House would agree to the motion, for, in addition to the great age of General Stark, he was, Mr. H. understood, in bad health, and consequently his life very precarious. If the late period of the session was objected to taking up the bill, Mr. H. said he should move that the House meet to-morrow, for the Sabbath could not be better spent than in legislating to alleviate the distress of a veteran hero; and he begged that the House would not adjourn without doing something for the relief of this venerable and indigent soldier of the Revolution.

The motion of Mr. BUTLER was agreed to; and the House took up the bill to grant to Major General Stark a pension, during life, of — dollars per month, from the 4th day of last July.

Mr. BUTLER moved to fill the blank with forty dollars; and Mr. LIVERMORE moved to insert sixty, which he said would be the same as the pension granted to General St. Clair.

The last motion being first in order, the question was taken thereon, and the sum of sixty dollars agreed to without a division.

Mr. RUGGLES moved to insert in the bill some provision for the relief of Hannah Leighton, formerly wife of Captain Isaac Davis, who was killed in one of the first battles of the Revolution, that at Concord, in April, 1775.

Mr. LIVERMORE hoped the amendment proposed by the gentleman from Massachusetts would not be made. A pension was to be granted to Major General Stark in consideration of his services in the Revolutionary war. He could see no reason for coupling the old lady with him at so late a stage of his life, unless it should appear that she also had performed military services; suitable provision might be made for her separately.

Mr. RUGGLES's motion was negatived without a division; and the bill was ordered to be engrossed and read a third time to-day, and subsequently read a third time, and passed.

DAY OF ADJOURNMENT.

Mr. MOORE offered a resolution to rescind the joint resolution of Congress which fixed the termination of the session at the 20th instant, and to authorize the adjournment on the 22d, but subsequently agreed to leave the day blank, and referred the House to the mass of business before them to show that an adjournment could not take place at the period agreed on without detriment to the public interest.

Mr. H. NELSON also supported the motion, and particularized some bills that were of high and pressing importance to the public interest, which must necessarily be passed over, as time sufficient was not left for their consideration.

Mr. HOPKINSON opposed the motion, because, if the adjournment were postponed a day or two only, as had been suggested, the House would find itself then just where it was now. The sub-

ject referred to by Mr. NELSON would alone take ten or twelve days to mature; if the House would agree to fix a day as distant as that, he was willing to go with them; but a shorter time would be useless, and as the two Houses had now determined on a day, he was opposed to rescinding it for the sake of gaining one or two days.

Messrs. TERRY and DESHA also opposed the motion, and Mr. HARRISON advocated it; after which, on motion of Mr. INGHAM, the resolution was laid on the table.

Mr. H. NELSON subsequently called it up, and on the question of proceeding to consider the resolution, it was decided in the negative by yeas and nays—yeas 38, nays 81.

AFRICAN COLONIZATION.

Mr. MERCER, from the committee to whom was referred the memorial of the annual meeting of the Society of Friends, held in Baltimore, and sundry other memorials and petitions upon the subject of colonizing the free people of color of the United States, made a report thereon; which was read, and committed to a Committee of the Whole. The report is as follows:

The committee to whom was referred the memorial of the "President and Board of Managers of the American Society for Colonizing the Free People of Color of the United States," have, according to order, had the same under their attentive consideration.

Referring to the memorial itself, and to the report of the Committee on the Slave Trade, to the fourteenth Congress, your committee beg leave to add, that a new interest has been recently imparted to the benevolent enterprise of the memorialists, by the prospect of a speedy termination of that traffic, which has been so long the crime of Europe, the scourge of Africa, and the affliction and disgrace of America. Spain and Portugal have at length concurred in that just and humane policy of the United States, which Great Britain was the first to imitate, and which, by her liberal and unremitting zeal, she has successfully extended throughout the civilized world.

So far as the civilization of Africa—the victim of this inhuman traffic—is embraced among the views of the memorialists, the removal of this formidable impediment to their success is calculated to elevate the hopes of the philanthropist, and to secure to their enterprise a larger share of public confidence.

America cannot but sympathize in the wish to redeem from ignorance, barbarism and superstition, a continent of vast extent, spread out beneath every climate, embracing every variety of soil, and inhabited by a much-injured and degraded portion of the human race.

But, your committee have no hesitation in acknowledging that they derive a yet stronger incentive to recommend this enterprise to the countenance and favor of the House, from considerations peculiar to the United States. They were presented to the last Congress by the report to which your committee have referred; and they deem it unnecessary, therefore, to press them upon the attention of the House. They cannot, however, forbear to remark, that time is unceasingly aggravating all those domestic evils, for which the memorialists propose the only competent remedy; and that the most auspicious circumstances conspire, at present, to promote its successful application.

Europe, after passing through a war of unprecedented extent and calamity, enjoys a repose which she has rarely known, and which, for the honor of humanity, it may be hoped she will be disposed to signalize by some act of distinguished generosity. She will not surely be content with a mere forbearance of further injustice, but seek to repair the wrongs which she has inflicted upon an unhappy race of men.

The people of the United States have retired from the same conflict, to enjoy a prosperity which has never been surpassed in the history of the world. Respected abroad, they possess abundance, tranquillity, and happiness, at home.

A survey of such blessings naturally inspires a sentiment, the existence of which is illustrated, not only by the formation of the society from which this memorial proceeds—a society embracing individuals of every religious and political denomination, and inhabitants of every State in this wide-spread Union—but by the almost unanimous proceedings of the Legislatures of Virginia, Maryland, Tennessee, and Georgia, either recommending or countenancing the same benevolent object.

It cannot be supposed that the liberal and enlightened policy which dictated the resolutions and acts of these particular States, is confined to themselves alone. Their neighbors, alike circumstanced, actuated by the same interests and feelings, will be conducted to the same conclusions, in relation to questions not only of vital importance to them, but, in their remote bearing, of scarcely less moment to the stability and prosperity of the Union.

The auxiliary Colonization Societies which are daily springing up in other quarters of the United States, evince, that if the feelings which animate them were local in their origin, they required only to be manifested, in order to awaken the sympathy and to secure the co-operation of the rest of America, in the attainment of their common object.

Your committee would not thus favorably regard the prayer of the memorialists, if it sought to impair in the slightest degree the rights of private property, or the yet more sacred rights of personal liberty, secured to every description of freemen in the United States.

The resolution of the Legislature of Virginia; the subsequent acts and declarations, as well as the high character of the memorialists themselves, added to the most obvious interest of the States who have recently sanctioned the purpose, or recognised the existence of the American Colonization Society; exclude the remotest apprehension of such injustice or inhumanity.

The memorialists propose to attain the noblest end which benevolence can conceive, by temperate and practicable means.

As preliminary to their success, and in anticipation of the acts of the Government, they have, at considerable expense, sent out agents to explore the coast of Africa, and to select a seat for their contemplated colony. These agents were instructed, first, to visit Europe. Their reception in England, and the intelligence which had been received from them, down to the period of their late embarkation for Africa, were as favorable as could have been anticipated to the success of their mission. This success, however, cannot be complete, until the object of the memorialists shall have received the sanction, and their efforts the aid, of the Federal Government.

If their memorial does not furnish sufficient ground for the interposition of the National Legislature in

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their behalf, it appears to your committee that the resolutions of Virginia (which they beg leave to subjoin to this report) subsequently sustained by a similar resolution of Maryland and Tennessee, unquestionably do so.

Whether a treaty for the territory of the proposed colony is to be opened with the native tribes of Africa, or with the European Governments which claim certain portions of the shores of that continent, it is by the authority of the United States alone that such negotiation can be effected.

The several States, having, by their adoption of the Federal Constitution, surrendered the power of negotiation to the Federal Government, have an undoubted right to claim the exercise of that sovereign authority for their benefit, whenever it can be exerted, consistently with the welfare of the United States.

Your committee cannot forbear to add another, to them a very solemn consideration, as an inducement for the exercise of this authority, in the manner proposed by the General Assembly of Virginia. The act of Congress, which interdicts the African slave trade, and subjects the citizens of the United States, who engage in its prosecution, to merited punishment, has left the unfortunate beings, whom the violators of this law are daily casting upon the American shores, to the separate provisions of the respective States, within whose jurisdiction they may chance to be found.

To say nothing of the abstract propriety of transferring such an authority over the persons and liberty of these foreigners, from the National to the State Legislatures; entertaining no apprehension that Congress will be rendered thereby accessory to any act of cruelty or inhumanity, it must be, yet, apparent, that the individual States have a right to require the aid now sought to be obtained from the General Government, in order to enable themselves to discharge the trust reposed in them, without a violation of their local policy, or injustice to those unfortunate Africans, placed at their disposal by the laws of the United States.

Your committee were instructed by two other resolutions of the House, to inquire into the expediency of making more effectual provision, by law, for preventing the participation of the citizens of the United States in the African slave trade, and of correcting certain abuses which are practised in the internal commerce of the United States. Both these objects have been accomplished by bills which subsequently originated in the other branch of the National Legislature, and which came down to the House of Representatives, under circumstances which insured to them an earlier decision than would have followed a report from your committee. They beg leave, however, to remark, that the beneficial effect to be expected from any improvement of the pre-existing laws, in relation to the former species of traffic, which commences its enterprise against humanity, on a foreign and remote coast, and matures it on that of America, in such a manner as to elude detection by ordinary vigilance, must depend on the efforts of another branch of the Government.

It does not become your committee to do more, in relation to this branch of the inquiry charged upon them, than to intimate their opinion, that no act of legislation whatever would be so likely to put down this iniquitous traffic, as the multiplication of the revenue cutters upon the American shores, most frequented by the vessels engaged in it; and the employment of such part of the Navy, as would be best adapted to such service, in occasional visits to the African

coast, at the season when it is frequented by the same description of vessels.

Your committee ask, therefore, to be discharged from the farther consideration of the second and third resolutions, to which they have referred, and beg leave to recommend to the House, in relation to the first, the adoption of the following resolution:

Resolved, That the President of the United States be and he is hereby requested to take such measures as he may deem proper, to ascertain whether a suitable territory can be procured on the coast of Africa, for colonizing such of the free people of the United States as may be willing to avail themselves of such an asylum; and to enter into such negotiation with the native tribes of Africa, or with one or more of the Governments of Europe, as may be necessary to obtain such territory, and to secure to the contemplated colony every advantage which he may deem essential to its future independence and prosperity."

The following are the resolutions of the Legislature of Virginia, in 1816, on the same subject:

"Whereas, the General Assembly of Virginia have repeatedly sought to obtain an asylum, beyond the limits of the United States, for such persons of color as had been, or might be emancipated, under the laws of the Commonwealth, but have hitherto found all their efforts frustrated, either by the disturbed state of the nations, or domestic causes equally unpropitious to their success.

"They now avail themselves of a period when peace has healed the wounds of humanity, and the principal nations of Europe have concurred with the Government of the United States in abolishing the African slave trade, (a traffic which this Commonwealth, both before and since the Revolution, zealously sought to terminate) to renew this effort, and do, therefore.

Resolve, That the Executive be requested to correspond with the President of the United States, for the purpose of obtaining a territory upon the coast of Africa, or at some other place, not within any of the States or territorial governments of the United States to serve as an asylum for such persons of color as are now free, and may desire the same, and for those who may be hereafter emancipated within this Commonwealth; and that the Senators and Representatives of this State, in the Congress of the United States, be requested to use their best efforts to aid the President of the United States in the attainment of the above object: *Provided*, That no contract or arrangement, respecting such territory, shall be obligatory on this Commonwealth, until ratified by the Legislature."

[Passed by the House of Delegates, December 15, 1816. By the Senate, with an amendment, December 20, 1816. Concurred in by the House of Delegates, December 21, 1816.]

SALARIES OF OFFICERS.

The amendments reported to the bill to increase the salaries of certain officers of Government were read; when Mr. Moore moved that the bill be postponed indefinitely; and the question being taken thereon, it was determined in the negative—yeas 58, nays 69, as follows:

YEAS—Messrs. Adams, Austin, Beecher, Bennett, Boden, Burwell, Butler, Claggett, Colston, Crafts, Culbreth, Desha, Earle, Ellicott, Ervin of South Carolina, Garnett, Hall of Delaware, Hasbrouck, Herkimer, Hitchcock, Hogg, Holmes of Connecticut, Hunting,

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ton, Irving of New York, Johnson of Virginia, Linn, Livermore, McCoy, Marchand, Merrill, Moore, Morton; Murray, T. M. Nelson, Ogle, Patterson, Reed, Robertson of Louisiana, Sampson, Savage, Sawyer, Scudder, Sherwood, Simkins, Ballard Smith, Southard, Spencer, Strong, Strother, Tarr, Tompkins, Townsend, Trimble, Tucker of South Carolina, Upham, Walker of Kentucky, Wallace, and Williams of North Carolina.

YEAS—Messrs. Abbott, Anderson of Kentucky, Baldwin, Barber of Ohio, Bassett, Bloomfield, Blount, Boss, Claiborne, Cobb, Comstock, Cruger, Culbreth, Darlington, Floyd, Forney, Forsyth, Hale, Harrison, Herbert, Herrick, Hopkinson, Hubbard, Ingham, Johnson of Kentucky, Jones, Kinsey, Kirtland, Lowndes, W. P. Maclay, Mason of Rhode Island, Mercer, Middleton, Miller, Mumford, Jeremiah Nelson, Nesbitt, Ogden, Owen, Palmer, Pawling, Peter, Pindall, Pleasants, Porter, Rhea, Rich, Ringgold, Robertson of Kentucky, Ruggles, Schuyler, Sergeant, Settle, Slocumb, S. Smith, Alexander Smyth, Speed, Stewart of North Carolina, Stuart of Maryland, Taylor, Terrill, Terry, Tucker of Virginia, Westerlo, Whitman, Williams of Connecticut, Wilson of Massachusetts, and Wilson of Pennsylvania.

The amendments were then concurred in by the House.

A motion was then made by Mr. BEECHER, further to reduce the salary proposed in the said bill to be given to the Secretary of State, from the sum of six thousand dollars to the sum of five thousand five hundred dollars. And the question being taken thereon, it passed in the affirmative—yeas 68, nays 60, as follows:

YEAS—Messrs. Adams, Austin, Barber of Ohio, Beecher, Bennett, Boden, Burwell, Butler, Clagett, Comstock, Crafts, Culbreth, Darlington, Desha, Earle, Ellicott, Folger, Gage, Garnett, Hale, Hall of Delaware, Hasbrouck, Hitchcock, Hogg, Holmes of Connecticut, Huntington, Johnson of Virginia, Linn, Livermore, W. P. Maclay, McCoy, Marchand, Mason of Rhode Island, Merrill, Moore, Morton, Murray, H. Nelson, T. M. Nelson, Ogle, Patterson, Porter, Reed, Rich, Richards, Robertson of Louisiana, Sampson, Savage, Sawyer, Scudder, Slocumb, Bal. Smith, Southard, Spencer, Stewart of N. Carolina, Strong, Strother, Tarr, Terry, Tompkins, Townsend, Tucker of South Carolina, Upham, Walker of Kentucky, Wallace, Williams of Connecticut, Williams of N. Carolina, and Wilson of Pennsylvania.

YEAS—Messrs. Abbott, Anderson of Kentucky, Baldwin, Bassett, Bloomfield, Blount, Boss, Claiborne, Cobb, Crawford, Cruger, Cushman, Ervin of South Carolina, Floyd, Forney, Forsyth, Herrick, Hopkinson, Hubbard, Ingham, Irving of New York, Johnson of Kentucky, Jones, Kinsey, Kirtland, Lowndes, Mercer, Middleton, Miller, Mumford, Jeremiah Nelson, Nesbitt, Ogden, Owen, Palmer, Pawling, Peter, Pindall, Pleasants, Rhea, Ringgold, Robertson of Kentucky, Ruggles, Schuyler, Sergeant, Settle, Seybert, Sherwood, Simkins, S. Smith, Alexander Smyth, Speed, Stuart of Maryland, Taylor, Terrill, Tucker of Virginia, Wendover, Westerlo, Wilkin, and Wilson of Massachusetts.

The bill was then further amended, and the amendments ordered to be engrossed, and the bill read a third time to-day.

SENATE BILLS, &c.

The bill from the Senate, entitled "An act authorizing a subscription for the Statistical Annals of Adam Seybert, and the purchase of Pitkin's Commercial Statistics," was read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill for the relief of B. and P. Jourdan, brothers; and on the bill from the Senate, entitled "An act for the relief of Samuel F. Hooker." The first named bill was reported with an amendment; which was read, and concurred in by the House, and the bill ordered to be engrossed, and read a third time to-day; which was accordingly done, and the bill passed.

The bill from the Senate for the relief of Samuel F. Hooker, was read a third time, and passed.

Mr. BLOOMFIELD moved, that when the House adjourn, it adjourn to to-morrow, (Sunday,) ten o'clock; but subsequently, after some opposition, withdrew his motion.

Mr. MERCER, after expressing his disapprobation of a Sabbath meeting of the House, moved that it meet at six o'clock, on Monday morning. This was negatived—ayes 44.

Mr. PINDALL moved, that when the House adjourn, it be to eight o'clock, on Monday morning.—Negatived.

Mr. HARRISON rose to renew the motion to meet to-morrow; but the motion was considered inadmissible by the Chair; as the hour for the orders of the day had arrived; to which the House then proceeded.

The House resolved itself into a Committee of the Whole, on bills from the Senate, entitled "An act for the relief of Richard M. Johnson;" and "An act for the relief of John Hall, late a Major of Marines;" and on the bill of this House for transferring the claims in the office of the Commissioner to the Third Auditor of the Treasury. The bills were reported without amendment.

A motion was made by Mr. CLAIBORNE, to amend the first mentioned bill, when the House adjourned to Monday, at 10 o'clock.

MONDAY, April 20.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: An act respecting the organization of the Army, and for other purposes; An act to incorporate the Columbian Institute; An act to increase the duties on iron in bars and bolts, iron in pigs, castings, nails, and alum; An act for the relief of certain friendly Creek Indians of the mixed blood; An act for the relief of Captain Benjamin Johnson and Captain Henry Gist; An act to increase the duties on certain manufactured articles imported into the United States; An act to continue in force from and after the 30th of June, 1819, until the 30th of June, 1826, the fourth paragraph of the first section of the act, entitled "An act to regulate the duties on imports and tonnage;" An act providing for the deposite of wines and distilled spirits

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in public warehouses; with amendments in which they ask the concurrence of this House. The Senate disagree to that part of the amendments proposed by this House to the bill, entitled "An act to increase the salaries of certain officers of Government," which proposes to increase the salaries of the judges of the Supreme Court of the United States, and they agree to the residue of the amendments of this House to the said bill, with a modification, in which they also ask the concurrence of this House.

The amendments proposed by the Senate to the eight bills aforesaid, were read and severally concurred in by the House.

The amendments of the Senate to the amendments of this House to the bill to increase the salaries of certain officers of the Government having been taken up, a motion was made by Mr. BUTLER to postpone the whole subject indefinitely, and decided in the negative—yeas 39, nays 56.

On the question to concur in the amendment of the Senate, going to substitute 6,000 for 5,500, as the salary of the heads of departments, it was decided in the negative, by a majority of six votes.

The House then determined to insist on its amendment (disagreed to by the Senate) for increasing the salaries of the judges of the Supreme Court of the United States.

On motion of Mr. INGHAM, the Secretary of the Treasury was directed to report to Congress, at their next session, what further improvement it may be practicable to make in the tariff of duties upon imported goods, wares, and merchandise, by charging specific duties upon articles which are now charged with duties ad valorem.

On motion of Mr. WILLIAMS, of Connecticut, the Secretary of War was directed, at an early period of the next session, to report to this House the names and places of residence of the several persons placed upon the pension list, under the act of this session, providing for persons engaged in the land and naval service of the United States in the Revolutionary war, and the sum allowed to each.

On motion of Mr. MOORE, the Secretary of War was directed, at an early period of the next session, to report to this House the number and grades of the officers of the present Army, where stationed, the number on duty, and those on furlough, and the period of their furloughs.

The House took up and proceeded to consider the bill from the Senate, entitled "An act for the relief of Richard M. Johnson," and the amendment depending on Saturday, at the time of adjournment, was read and rejected by the House; and the bill ordered to be read a third time to-day, which was done, and the bill passed.

The bill from the Senate, entitled "An act for the relief of John Hall, late a major of marines," was also ordered to be read a third time to-day; which was done, and the bill passed.

The bill for transferring the claims in the office of the Commissioner to the Third Auditor of the Treasury was ordered to be engrossed and read

a third time to-day. It was subsequently read a third time, and passed.

JUDICIAL DISTRICTS—PENNSYLVANIA.

The bill from the Senate to divide the State of Pennsylvania into two judicial districts, being called, in the order of the day—

Mr. HOPKINSON moved that the bill be postponed indefinitely, which motion was opposed by Messrs. BALDWIN, INGHAM, and MOORE, and advocated by the mover, and negatived by a large majority.

The House then went into Committee on the bill, when a debate of some length took place on the expediency of the measure, in which it was earnestly opposed by Mr. HOPKINSON, and as earnestly supported by Mr. BALDWIN.

Mr. FORSYTH, referring to the resolutions of the Legislature of Pennsylvania, requesting of Congress the passage of this bill, said he thought they asked nothing more than what was reasonable and proper; but, thinking that the object might be sufficiently attained in a way somewhat different, much less objectionable, and more expedient, moved, by way of amendment, a substitute for the bill, providing, substantially, that the circuit court of Pennsylvania be holden alternately at Philadelphia and Pittsburg.—Negatived.

Mr. HOPKINSON, after some remarks, to show, that there was nothing in the duties of the additional judge, provided by the bill, to entitle him, in justice, to equal salary with the present judge, moved that, instead of \$1,600, as proposed, he be allowed a salary of \$1000. This motion was lost by a large majority; and the bill was then reported, without amendment, and read the third time, and passed.

CLOSING BUSINESS.

The House resolved itself into a Committee of the Whole, on the bill from the Senate, entitled "An act to authorize the Secretary of the Treasury to repay or remit certain alien duties therein described. The bill was reported without amendment, read a third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile." The bill was reported without amendment, read a third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to alter and amend an act, approved the 3d day of March, 1817, entitled 'An act to establish a separate territorial government for the eastern part of the Mississippi Territory.'" The bill was reported without amendment, read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to increase the salaries of the judges of the circuit court of the District of Columbia." The bill was reported without amendment, read a third time, and passed.

The House resolved itself into a Committee of

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the Whole on the bill from the Senate, entitled "An act to vest in trust certain sections of land in the Legislature of the State of Ohio;" and after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. HUGH NELSON reported the same without amendment.

Ordered, That the said bill lie on the table.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act respecting the surveying and sale of the public lands in the Alabama Territory." The bill was reported without amendment, read a third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to defray the expenses of the militia when marching to places of rendezvous." The bill was reported without amendment, read a third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to adjust the claims to lots in the town of Vincennes and for the sale of the land appropriated as a common for the use of the inhabitants of the said town." The bill was reported without amendment, read a third time, and passed.

A message from the Senate informed the House that the Senate recede from their disagreement to the amendment proposed by this House to the bill, entitled "An act to increase the salaries of certain officers of Government," which increases the salary of the judges of the Supreme Court of the United States, and they insist on their modifications to the residue of the amendments of this House to the said bill, so far as regards the salaries of the Secretaries of State and Treasury. And they have passed bills of the following titles, to wit: An act supplementary to an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the 2d day of March, 1799; An act for the relief of Jonathan D. Essary and John Seybold; and An act for the relief of James Mackey, of the Territory of Missouri; with amendments, in which they ask the concurrence of this House.

The amendments proposed by the Senate to the three bills aforesaid, were read, and severally concurred in by the House.

The House took up, and proceeded to consider the message from the Senate, notifying, that they insist on their modifications to the amendments of this House, to the bill, entitled "An act to increase the salaries of certain officers of the Government," so far as regards the salaries of the Secretaries of State and Treasury: when—

Mr. LOWNDES, after expressing his objection to sanctioning any longer the discrimination which had heretofore existed in the salaries of the Heads of Departments, now that the House was called upon to legislate on the subject, moved that the House adhere to its disagreement to the Senate's amendment to the clause fixing the salaries of the Heads of Departments.

This motion was supported by Mr. ROBERTSON, of Louisiana, upon similar grounds; and, after an unsuccessful motion, by Mr. STROTHER, to

lay the bill on the table, and one by Mr. RICH, to postpone it indefinitely—

Mr. LOWNDES's motion was agreed to, and the Senate informed thereof.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to the House of Representatives a copy of the rules, regulations, and instructions, for the naval service of the United States, prepared by the Board of Navy Commissioners, in obedience to an act of Congress, passed the 7th of February, 1815, entitled "An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners.

JAMES MONROE.

WASHINGTON, April 20, 1818.

The Message was read, and ordered to lie on the table.

A motion was made by Mr. PINDALL, that the House do now proceed to consider the amendments proposed by the Senate to the bill entitled "An act to provide for delivering up persons held to labor or service in any of the States or Territories of the United States, who shall escape into any other State or Territory."

And the question being taken thereon, it was determined in the negative.

The House adjourned until six o'clock, P. M.

SIX O'CLOCK, P. M.

A message from the Senate informed the House that the Senate have postponed until Monday next, the bill entitled "An act to increase the salaries of certain officers of the Government." They have also postponed, until the same day, the bill, entitled "An act to suspend the sales of certain lands in the State of Louisiana and Territory of Missouri;" and, "An act for the relief of John Anderson." And they have passed bills of this House of the following titles, to wit: An act for changing the compensation of receivers and registers of the land offices; and, An act to regulate and fix the compensation of clerks in the different offices; with amendments, in which they ask the concurrence of this House.

The said amendments were read and severally concurred in by the House.

The following resolution was submitted by Mr. WILKIN, viz:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred dollars, directed by a resolution of Congress of the 3d of November, 1780, to be paid to John Paulding, one of the virtuous and patriotic captors of Major Andre, Adjutant General of the British army, on his return from the American lines in the character of a spy, in the Revolutionary war, be continued and paid to the widow and minor children of the said John Paulding, or to the survivor or survivors of them, for five years, from the 19th of February, 1818, to be paid to them half yearly.

The resolution having been read, it was, on motion of Mr. WILKIN, laid on the table, who observed that the members, having their attention brought to the subject, could bring with them at

APRIL, 1818.

Adjournment.

H. OF R.

the next session the public sentiment respecting this appropriation for the children of the patriotic Paulding.

On motion of Mr. WILLIAMS, of Connecticut, the Committee of the Whole was discharged from the further consideration of the report of the select committee respecting the expenses incurred under the 4th, 5th, 6th, and 7th articles of the Treaty of Ghent, and the House then proceeded to consider said report, which concludes with recommending the adoption of the following resolution :

Resolved, That the President of the United States be requested to arrange with the British Government some mode of designating the boundary line under the 6th and 7th articles of the Treaty of Ghent, which shall require less time and expense than the one which the Commissioners have heretofore pursued.

After some debate, in which Messrs. WILLIAMS, of Connecticut, and PITKIN advocated the adoption of the resolution, and Mr. OGDEN opposed it, the question was decided in the affirmative, and the resolution agreed to.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting statements in relation to the progress, &c., in the construction of the Cumberland road, in obedi-

ence to a resolution of the House of Representatives, of the 14th instant.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to alter and establish post roads," with amendments, in which they ask the concurrence of this House.

The said amendments were read, and concurred in by the House, except the last, to which they disagreed.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of a joint committee to wait on the President of the United States, and inform him of the approaching recess of Congress; and have appointed a committee on their part.

The House took up the said resolution, and being read, it was concurred in by the House; and Mr. HARRISON and Mr. PITKIN were appointed a committee, conformably thereto, on the part of this House.

The said committee having reported that the President had no further communication to make to Congress, the SPEAKER adjourned the House until the third Monday in November next, the day fixed by law for the next meeting of the Congress of the United States.

APPENDIX

TO THE HISTORY OF THE FIFTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

SUPPRESSION OF PIRATICAL ESTABLISHMENTS.

[Reported to the House, January 10, 1818.]

The Committee on Foreign Relations, to whom was referred so much of the President's Message as relates to the illicit introduction of slaves from Amelia Island, having carefully taken the matter committed to them into consideration, respectfully report:

That, having applied to the Department of State for information respecting the illicit introduction of slaves into the United States, they were referred by the Secretary of State to the documents transmitted to this House by the President's Message of the 15th of December last, consisting of various extracts of papers on the files of the Departments of State, of the Treasury, and of the Navy, relative to the proceedings of certain persons who took possession of Amelia Island in the Summer of the past year, and also relative to a similar establishment previously made at Galveston, near the mouth of the river Trinity.

Upon a full investigation of these papers, with a view to the subject committed to them, your committee are of opinion that it is but too notorious that numerous infractions of the law prohibiting the importation of slaves into the United States have been perpetrated with impunity upon our Southern frontier; and they are further of opinion that similar infractions would have been repeated, with increasing activity, without the timely interposition of the naval force, under the direction of the Executive of our Government.

In the course of their investigation, your committee have found it difficult to keep separate the special matter given into their charge from topics of a more general nature, which are necessarily interwoven therewith; they therefore crave the indulgence of the House while they present some general views connected with the subject, which have developed themselves in the prosecution of their inquiry.

It would appear, from what can be collected from these papers, that numerous violations of

our laws have been latterly committed by a combination of freebooters and smugglers of various nations, who located themselves, in the first instance, upon an uninhabited spot, near the mouth of the river Trinity, within the jurisdictional limits of the United States, as claimed in virtue of the treaty of cession of Louisiana by France. This association of persons organized a system of plunder upon the high seas, directed chiefly against Spanish property, which consisted frequently of slaves from the coast of Africa; but their conduct appears not always to have been regulated by a strict regard to the national character of vessels falling into their hands, when specie, or other valuable articles, formed part of the cargo. Their vessels generally sailed under a pretended Mexican flag, although it does not appear that the establishment at Galveston was sanctioned by, or connected with, any other Government. The presumption, too, of any authority ever having been given for such an establishment is strongly repelled, as well by its piratical character, as its itinerant nature; for the first position at Galveston was abandoned on or about the 5th of April last, for one near Matagorda, upon the Spanish territory; and at a later period, this last was abandoned and a transfer made to Amelia Island, in East Florida, a post which had been previously seized by persons who appear to have been equally unauthorized, and who were, at the time of the said transfer, upon the point, it is believed, of abandoning their enterprise, from the failure of resources, which they expected to have drawn from within our limits, in defiance of our laws. There exists on the part of these sea rovers an organized system of daring enterprise, supported by force of arms; and it is only by a correspondent system of coercion that they can be met, and constrained to respect the rights of property and the laws of nations. It is deeply to be regretted that practices of such a character, within our immediate neighborhood, and even within our jurisdictional limits, should have prevailed unchecked for so long a time; the more especially as one of their immediate consequences was to give occasion to the illicit introduction of slaves

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from the coast of Africa into these United States, and thus to revive a traffic repugnant to humanity, and to all sound principles of policy, as well as severely punishable by the laws of the land.

By the seventh section of the act prohibiting the importation of slaves, passed in 1807, the President is fully authorized to employ the naval force to cruise on any part of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of that act, in order to seize and bring in for condemnation all vessels contravening its provisions, to be proceeded against according to law.

By the joint resolution of the Senate and House of Representatives, of the 15th of January, 1811, and the act of the same date, the President is fully empowered to occupy any part or the whole of the territory lying east of the river Perdido, and south of the State of Georgia, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government or Power; and by the same resolution and act he may employ any part of the Army and Navy of the United States which he may deem necessary for the purpose of taking possession of and occupying the territory aforesaid, and in order to maintain therein the authority of the United States.

Among the avowed projects of the persons who have occupied Amelia Island was that of making the conquest of East and West Florida, professedly for the purpose of establishing there an independent Government; and the vacant lands in those provinces have been, from the origin of this undertaking down to the latest period, held out as lures to the cupidity of adventurers, and as resources for defraying the expenses of the expedition. The greater part of West Florida being in actual possession of the United States, this project involved in it designs of direct hostility against them; and, as the express object of the resolution and act of January 15, 1811, was to authorize the President to prevent the province of East Florida from passing into the hands of any foreign Power, it became the obvious duty of the President to exercise the authority vested in him by that law. It does not appear that among these itinerant establishments of republics and distributors of Florida lands there is a single individual inhabitant of the country where the republic was to be constituted, and whose lands were to be thus bestowed. The project was, therefore, an attempt to occupy that territory by a foreign Power. Where the profession is in such direct opposition to the fact; where the venerable forms by which a free people constitute a frame of government for themselves are prostituted by a horde of foreign freebooters, for purposes of plunder; if, under color of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a Power, the committee are persuaded it is quite unnecessary to point out to the discernment of the House the pernicious influence which such a destiny of the territories in ques-

tion must have had upon the security, tranquillity, and commerce of this Union.

It is a matter of public notoriety, that two of the persons who have successively held the command at Amelia Island, whether authorized themselves by any Government or not, have issued commissions for privateers, as in the name of the Venezuelan and Mexican Governments, to vessels fitted out in the ports of the United States, and chiefly manned and officered by our own countrymen, for the purpose of capturing the property of nations with which the United States are at peace. One of the objects of the occupation of Amelia Island, it appears, was to possess a convenient resort for privateers of this description, equally reprobated by the laws of nations, which recognise them only under the denomination of pirates, and by several of the treaties of the United States with different European Powers, which expressly denominate them as such.* It was against the subjects of Spain, one of the Powers with which the United States have entered into stipulations prohibiting their citizens from taking any commission from any Power with which she may be at war, for arming any ships to act as privateers, that these vessels have been commissioned to cruise; though, as the committee have observed, no flag, not even that of our own country, has proved a protection from them.

The immediate tendency of suffering such armaments, in defiance of our laws, would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and if not checked by all the means in the power of the Government would have authorized claims from the subjects of foreign Governments for indemnities at the expense of this nation, for captures by our people in vessels fitted out in our ports, and, as could not fail of being alleged, countenanced by the very neglect of the necessary means of suppressing them.

The possession of Amelia Island, as a port of refuge for such privateers, and of illicit traffic in the United States of their prizes, which were frequently, as before stated, slave ships from Africa, was a powerful encouragement and temptation to multiply these violations of our laws, and made it the duty of the Government to use all the means in its power to restore the security of our own commerce, and of that of friendly nations upon our coasts, which could in no other way more effectually be done than by taking from this piratical and smuggling combination their place of refuge.

In order, therefore, to give full effect to the intentions of the Legislature, and in pursuance of

* See the Treaty of Peace with France, 1778, art. 21, United States Laws, vol. 1, p. 88; with the Netherlands, 1782, art. 19, vol. 1, p. 162; with Sweden, 1783, art. 23, vol. 1, p. 190; with Great Britain, 1794, art. 21, vol. 1, p. 218; with Prussia, 1795, art. 20, vol. 1, p. 238, and 1797, art. 20, p. 256; with Spain, 1795, art. 14, vol. 1, p. 270.

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the provisions of the above-recited resolution and acts, it became necessary, as it appears to the committee, to suppress all establishments of the hostile nature of those above described, made in our vicinity, the objects of which appear to have been the occupation of the Floridas, the spoliation of peaceful commerce upon and near our coasts by piratical privateers, the clandestine importation of goods, and the illicit introduction of slaves within our limits. Such establishments, if suffered to subsist and strengthen, would probably have rendered nugatory all provisions made by law for the exclusion of prohibited persons. The course pursued on this occasion will strongly mark the feelings and intentions of our Government upon the great question of the slave trade, which is so justly considered by most civilized nations as repugnant to justice and humanity, and which, in our particular case, is not less so to all the dictates of a sound policy.

Your committee anticipate beneficial results from the adoption of these measures by the Executive, in the promotion of the security of our Southern frontier and its neighboring seas, and in the diminution of the evasions, latterly so frequent, of our revenue and prohibitory laws. The experience of ten years has, however, evinced the necessity of some new regulations being adopted, in order effectually to put a stop to the further introduction of slaves into the United States. In the act of Congress prohibiting this importation, the policy of giving the whole forfeiture of vessel and goods to the United States, and no part thereof to the informer, may justly be doubted. This is an oversight which should be remedied. The act does, indeed, give a part of the personal penalties to the informer, but these penalties are generally only nominal, as the persons engaged in such traffic are usually poor. The omission of the States to pass acts to meet the act of Congress, and to establish regulations in aid of the same, can only be remedied by Congress legislating directly upon the subject themselves, as it is clearly within the scope of their constitutional power to do.

[The following documents are extracted from those referred to in the foregoing report.]

Letter from the Secretary of the Treasury to the Secretary of State, dated

NOVEMBER 21, 1817.

The Secretary of the Treasury presents his respects to the Secretary of State, and has the honor of transmitting to him copies of the communications which have been received at this Department concerning the occupation of Galveston and Amelia Island by persons sailing under the various flags of the independent Governments of North and South America, late Spanish provinces.

Extracts of a letter from Beverly Chew, Esq., collector at New Orleans, to Mr. Crawford, dated

AUGUST 1, 1817.

As it is your wish that every attempt to evade the provisions of the existing laws should be

communicated to the Department, accompanied by suggestions of the measures necessary to repress the evil, I deem it my duty to state that the most shameful violations of the slave act, as well as our revenue laws, continue to be practised, with impunity, by a motley mixture of freebooters and smugglers, at Galveston, under the Mexican flag, and being, in reality, little else than the re-establishment of the Barrataria band, removed somewhat more out of the reach of justice; and, unless the officers of customs are provided with more effectual means for the enforcement of the laws, the Treasury must suffer incalculably. To give you a more correct idea of this establishment, it will be necessary to be a little prolix, which I beg you will excuse. Galveston is a small island or sandbar, situate in the bay of St. Bernard, on the coast of Texas, about ninety miles west of Sabine, within the jurisdictional limits claimed by the United States, in virtue of the cession of Louisiana to them by France. The establishment was recently made there by a Commodore Aury, with a few small schooners from Aux Cayes, manned, in a great measure, with refugees from Barrataria and mulattoes. This establishment was reinforced by a few more men from different points of the coast of Louisiana, the most efficient part of them being principally mariners, (Frenchmen or Italians,) who have been hanging loose upon society in and about New Orleans, in greater or smaller numbers, ever since the breaking up of the establishment at Barrataria. Colonel Perry commanded one party of about eighty or ninety men of this new community, who had been enlisted principally as soldiers within our jurisdiction; and Mr. Herarra, coming with a few followers from New Orleans, brought up the rear; and then announced the establishment to the world by a proclamation, attested by a Frenchman by the name of Morin, very recently a bankrupt auctioneer in New Orleans, as Secretary of State. From this new station, fed and drawing all its resources from New Orleans, and keeping up a regular intelligence, through a variety of channels, with their friends here, an active system of plunder was commenced on the high seas, chiefly of Spanish property, but often without much concern as to the national character, particularly when money was in question. The captures made by their numerous cruisers (many owned by citizens of the United States) were condemned by a pretended court of admiralty there as prizes, and the cargoes introduced into this State, principally in a clandestine manner. The vessels thus condemned have generally come here under new names, and with the Mexican flag. Some of them have been detained by the United States naval force for hovering in our waters, and others have been libelled for restitution by the Spanish Consul, in behalf of the original owners; and though several trials have come on before the honorable the United States district court for the district of Louisiana, and the claimants have never been able to produce proof of the Government of Galveston having ever been authorized

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by the Mexican Republic, restitution has been decreed in several instances. There is no evidence of the establishment having been made or sanctioned by, or connected with, a Mexican republic, if one be now existing; and the presumption of such an actual establishment under such an authority is strongly repelled by the illegal and piratical character of the establishment, and its ambulatory nature. It is not only of very recent origin, but is clothed with no character of permanency; for it was abandoned about the 5th of April, and transferred to Matagorda, leaving at Galveston only an advice boat, to advertise such privateers and prizes which might arrive there of the spot on which they had fixed their new residence. Some days after the abandonment of Galveston, several privateers arrived there, and among the rest the General Artigas, commanded by one G. Champlin, of New York, with two schooners, her prizes, the Patronila, with one hundred and seventy-four slaves, and the Enrequita, with one hundred and thirteen slaves; and also a Spanish and a Portuguese vessel, and the American schooner Evening Post, of New York, Calvin Williams master, prizes to the ———, Captain Maurice Nicholas Jolly.

Among the most conspicuous characters who happened to be then at Galveston were many of the notorious offenders against our laws who had so lately been indulged with a remission of the punishment, who, so far from gratefully availing themselves of the lenity of the Government to return to or commence an orderly and honest life, seem to have regarded its indulgence almost as an encouragement to a renewal of their offences. You will readily perceive I allude to the Barratarians, among whom the Lafittes may be classed foremost, and most actively engaged in the Galveston trade, and owners of several cruisers under the Mexican flag. Many of our citizens are equally guilty, and are universally known to be owners of the same kind of vessels. A number of these characters being at Galveston after the abandonment, readily saw the advantages that would result in the re-establishment of a Government at that place; its situation, so immediately in the vicinity of our settlements, being much preferable to Matagorda; their views being entirely confined to introducing their captures into this State. Accordingly, a meeting was called on the 15th of April, and it was resolved to re-establish the Government; and a true copy of their deliberations you have enclosed. I can vouch for the correctness of the copy, having received it from a person of undoubted veracity. And thus, without even the semblance of authority from the Mexican Republic, they immediately proceeded to condemn vessels and cargoes as good prizes, and to introduce them into this port, and, among the rest, the cargo of the Evening Post. It was some time before this was known here, great pains having been taken to keep it secret. Since it has been known, I have felt it my duty to report all vessels and cargoes which have arrived here from Galveston to the district attorney, who has had them arrested un-

der the Spanish Treaty; but, owing to the unfortunate absence of the judge, no decision can be had thereon. These steps of the officers of the port have irritated the Barratarian gentlemen and their connexions in a high degree; and representations filled with falsehoods will probably be made against them, particularly on the score of enmity to the patriotic cause. As well might a man be accused of being an enemy to personal liberty who arrests and confines a robber, as that the officers of the port of New Orleans should be accused of being unfriendly to the revolution in the Spanish provinces because they attempted to prevent a lawless establishment at Galveston from violating the laws. The prizes made by the privateers under the Mexican flag are to a very large amount of merchandises, such as jewelry, laces, silks, linens, britannias, muslins, seersuckers, calicoes, &c.; all of which are repacked in small bales, of convenient size for transportation on mules, and the greatest part introduced clandestinely. Other articles, such as iron, nails, tallow, leather, glass ware, crockery, cordage, beef, &c., are brought here in their prizes. It is stated, and universally believed, that Captain Champlin sold the slaves captured in the Patronila and Enrequita to the Lafittes, Sauvinet, and other speculators in this place, who have or will resell to the planters; and the facility offered to smugglers by the innumerable inlets are too obvious, on a view of the map, to doubt; but they either are or will be all introduced into this State, without the possibility of the officers of the revenue being able to prevent or punish them; more especially as a great portion of the population are disposed to countenance them in violating our laws. A few days ago, information having been given that one of our citizens had gone to the W. with a very considerable sum in specie, to purchase slaves for himself and two other planters, I determined to make an effort to arrest him on his return, and immediately purchased a fine boat on account of the Government, (which had been lately captured by a party I had sent on Lake Ponchartrain, and condemned for a violation of the slave act,) which I have sent under the command of an active, enterprising inspector, with a military guard of twelve men, and am in great hopes of his falling in with and capturing the party. I am persuaded you will approve of my not waiting for instructions, at the risk of seeing the laws violated with impunity; and I cannot but hope the Government will see the necessity of giving instructions to the naval force on this station to prevent the re-establishment of Galveston; otherwise the bay will no longer be safe for any flag. Since they have been denied shelter in Port au Prince, they have no other asylum than Galveston. On the part of these pirates we have to contend with, we behold an extended and organized system of enterprise, of ingenuity, of indefatigability, and of audacity, favored by a variety of local advantages, and supported always by force of arms; and, unless they be met by correspondent species of resistance, the results of the contest are of very simple calculation.

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You will, I trust, see the necessity of either granting a certain number of revenue cutters, of the description I have mentioned, or that the naval force on this station may be enjoined strictly to prevent these privateers from hovering in our waters and violating our laws. It is a fact you may rely on, all the cruises of these privateers commence and end at this port; they enter in distress, comply with the formalities of the law, and if they do not augment their force and renew their crews in port, they do it in our waters, and it is not in my power to prevent it.

Mr. Chew, Collector at New Orleans, to Mr. Crawford.

August 30, 1817.

SIR: In the communication which I had the honor to make you, under date of the 1st instant, I gave such information respecting the establishment at Galveston as I had collected; since then, the depositions of Mr. J. Ducoing and V. Carros, (ex-judges of admiralty at that place, and now, here,) have been taken; and I herewith transmit you copies, which go to substantiate the material fact stated by me, and I make no doubt but you will be satisfied of the correctness of the assertion, that the establishment of Galveston is nothing more or less than one of privateersmen, without even the shadow of a connexion with a Mexican republic, (if such a republic exists,) and, as such, will not, I presume, be countenanced by the Government of the United States. It has been reported to me, and from a source deserving credit, that the principal part of the force from Matagorda and Soto de la Marina had returned to Galveston, and that two prizes with slaves had recently arrived—one a schooner with a full cargo, said to be three hundred, (probably exaggerated;) that a contagious fever having made its appearance among the slaves, the privateersmen, apprehensive of its communicating to the other prize, cut the cables and sent the schooner adrift with the unfortunate beings on board. The other prize, a ship with four hundred slaves, was lying there; and they have, altogether, about six hundred and fifty slaves on hand, all of whom are intended to be introduced into this State.

The United States brig Boxer has sent in two small schooners, with thirty slaves on board, captured in our waters; and the deputy collector of the district of Teche writes me that he has seized fifteen, and was in pursuit of a larger number. At this moment I have sent two confidential inspectors to examine three plantations on this river, near Baton Rouge, information having been given me that one hundred had been purchased for the three at Galveston. This activity had occasioned some alarm, and I am informed, (and place complete confidence in it,) that the privateersmen, and others interested, have resolved to remove the slaves to the neighborhood of the Sabine, build barracks, and keep them there during the winter, or till the purchasers appear, and leave the risk of introducing the slaves to the planters, whose eagerness to procure them will induce them to run every hazard. They imagine that,

fixing themselves to the west of the Sabine, they will be without the jurisdiction of the United States; but I trust they will find their mistake only when the whole party will be seized.

In addition to the foregoing, I beg leave to refer you to the documents lately forwarded by Commodore Patterson to the honorable Secretary of the Navy, with the memorial of the most respectable merchants of this place, praying him to furnish convoy to protect their vessels trading with the Spanish ports from the piratical cruisers, who respect no flag when specie is in question.

I have lately sent an inspector of confidence to examine La Fouché, from the Mississippi to the sea, and he reports it as thickly settled for eighty miles from the river; has eight to ten feet water, and six feet on the bar at the mouth, or entrance into the sea. There is no obstacle whatever to craft entering it from the sea, and ascending to the Mississippi, and trading freely as high up as they please. I mentioned in my last the necessity of appointing an inspector for that place, if you decide not to have revenue cutters on this station. I cannot but repeat, that I am firmly persuaded the measure is more necessary for this than any other district in the United States. Bartholomew Lafon, of this place, who acted as secretary to the meeting of the 15th April, (copy of deliberation forwarded in my last,) is mentioned as the Governor of the new establishment near the Sabine. Lafitte is now purchasing a large quantity of provisions, and the first cargo will soon sail; a copy of the manifest will accompany this, or soon follow. These persons, and a long list of others I could add if necessary, have no other profession, occupation, or mode of livelihood, than privateering and violating our laws, and openly threaten revenge against any officer of the revenue that may molest or impede their pursuits. They are now preparing a memorial to the Department, with the double view to misrepresent the conduct of the officers of the port, and to obtain permission to introduce their illegally-captured property, under the false pretext that they (the memorialists) have made heavy advances; the truth is, the only advances they allude to is the equipment and fitting out privateers, contrary to our laws. The exports from this place to Galveston and Matagorda have consisted principally of provisions; a cargo of arms was sent some time in the fall of last year, which has long since been given up as lost, and no return whatever can ever be expected from the Mexican Government, from all present appearances. The imports (without taking into consideration the large amount of goods introduced clandestinely) have been very large, as you will observe by the enclosed abstract of duties secured at this office on these importations.

I have felt it my duty to give you this information for your correct understanding the nature of the establishment at Galveston, and cannot but hope you will be pleased to instruct me implicitly how to act. My conduct has been governed by a sense of duty, and from a conviction of its propriety; if I have erred, I hope it will be ascribed

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to an honest zeal. I am, sir, your most obedient servant,

BEVERLY CHEW.

P. S. The brig with provisions and lumber for the Winter quarters of the slaves attempted to clear to-day; but, owing to the informality of her papers, it is postponed till Monday. I enclose a list of private armed Mexican and Venezuelan vessels now in port.

List of Mexican armed vessels now in the port of New Orleans, commissioned by Aury.

Bellona, Dewatre, 6 guns, 55 men; commissioned March 4, 1817.

Calibra, Deverge, 1 gun, 30 men; commissioned April 4, 1817.

Diana, Requete, 6 guns, 40 men; commissioned May 9, 1817.

Esperanza, Goits, 2 guns, 18 men; commissioned November 24, 1816.

Mosquito, Jaret, 7 tons, 17 muskets; commissioned June 23, 1817.

Victory, Dewatre, 5 guns, 60 men; commissioned July 5, 1817.

The following commissioned by General Bolivar, (Venezuela.)

General Arismanda, Beleriche, 5 guns, 114 men; commissioned May 8, 1816.

Guerrera, Rustique, 3 guns; commissioned August 20, 1816.

Hidalgo, Sauvenet, 1 gun, 50 men; commissioned January 24, 1817.

Josefina, Quere, 1 gun; commissioned May 19, 1816.

Eugenia, Lemeson, 3 guns, 60 men; just sailed on a cruise.

Mr. Chew to Mr. Crawford.

OCTOBER 17, 1817.

SIR: My communications of the 1st and 30th of August last, relative to the establishment at Galveston, and the numerous cruisers under the Mexican flag that infest our waters, will, I trust, have reached your hands. I deem it my duty to trouble you once more upon the same subject, and to enclose copies of additional testimony of Mr. John Ducoing, late Judge of Admiralty, and of Mr. Raymond Espagnol, late Secretary of State, which will, I trust, satisfactorily prove my assurances of the piratical nature of the establishment, and justify, in your opinion, the officers of this port in the steps taken by them to put an end to it; for such, it appears, has been the effect of the measures adopted here. Late advices from that place state that Aury and Champlin, with their privateers, and prizes (said to be thirteen sail) evacuated the place, and, it is believed, they have steered their course for Amelia Island. Before their departure they disposed of about three hundred Africans to the agents of some planters on the river; the remainder they have taken with them. The deputy collector of the district of Teche writes me that a large gang of Africans passed near the church of Attacapas on the night

of the 14th ultimo, bound for the Mississippi. He heard of it too late to seize them. I have sent a confidential agent to watch the plantations of Joseph Erwin, James Still, and Christopher Adams; it being reported that the latter had been to Galveston to purchase slaves for himself and the others. I received, a few days ago, a letter from the person called Commodore Aury, dated at sea, 31st July last, on board the privateer Mexican Congress, (late Calypso, of Baltimore,) enclosing a duplicate of a letter which, it appears, he had thought proper to write me on the 28th of the same month, (the original of which has never come to hand.) In this letter he gives me a kind of official information that it has been determined to abandon Galveston, and that he had taken with him the Judge of the Admiralty, the collector, and all his other constituted authorities; and that whatever may be done at the place, after that date, will be without his approbation or consent, and any clearances, or other official acts, at that place illegal. I have no doubt, however, but that a new establishment will soon be made there. The advantages are too great to be voluntarily abandoned by persons who have so long enjoyed the profits. Early in September, two vessels, the Carmelite, belonging to B. Lafon, and the Franklin, belonging to J. B. Laforte, (both unregistered vessels, formerly prizes,) cleared at this office for Laguna, but really bound to Galveston, with provisions and materials for erecting buildings. On their arrival they found the place deserted, and the Franklin has returned to this port with her outward cargo. By her accounts have been received that the Carmelite was lying there, and that Lafitte (who had been pardoned for the crimes committed at Barrataria) and Lafon had arrived there, with about forty other persons, and, it is believed, intended to form an establishment, and will, no doubt, soon replace the judge and other authorities carried off by Aury. Private armed vessels, under the Mexican flag, and one or two under that of Venezuela, continued to frequent this port, and uniformly report in distress, (one case only excepted,) make protest, and obtain a certificate from the wardens of the port that there is necessity to unlade their armament and heave down. They have been thus admitted to an entry, free of any charge other than fees to the officers of the customs, under the sixtieth section of the collection law. This course seems to have been adopted by my predecessor, and has been followed by me, in compliance with the instructions from the Department of the 3d July, 1815. These armed vessels being admitted, great care has been taken not to permit any violation of the acts of 5th June, 1794, and 3d March last, by augmenting their force or enlisting American citizens; but, in defiance of every vigilance on the part of the officers of the customs, they violate the law, not whilst they remain in port, but before they leave our waters. Nothing is easier, when the privateer is completely repaired and ready for sea, than to send both men and guns, if they need them, to Barrataria, or any other convenient place, which the privateer repairs to, and

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takes them on board, and sails on a cruise with an augmented force, to commit hostilities against the persons and property of a nation with whom the United States are at peace.

It is universally reported, and believed, that many of these vessels (under the Mexican flag, and commissioned by Aury) are owned by persons resident here, and enjoying the privileges of American citizens. At the end of the cruise the same farce is played over again; and it may with truth be said that each cruise commences and ends at this port. Attempts have been made to convict them, but as yet without success. They easily exculpate themselves. Witnesses, on their part, are never difficult to be procured in a place where there are a vast number of people with whom the solemnity of an oath has little weight. This you will believe when I add that two witnesses were produced in the United States district court, in the month of May last, who swore that Galveston was a considerable and well-built town, with coffee-houses, shops, &c., and that the then constituted authorities (Durier, Ducoing, Espagnol, &c.) had been appointed and commissioned by Aury. The testimony of the two latter, as well as many other persons now here, will fully refute that falsehood.

I hope you will be pleased to give me some instructions relative to the cruisers, that I may act in a way to meet the views of the Executive.

I have the honor to be, &c.

BEVERLY CHEW.

To the Hon. Dominic A. Hall, judge of the district court of the United States in and for the district of Louisiana:

The petition of Beverly Chew, collector of the district of Mississippi, and one of the officers of the port of New Orleans, respectfully sheweth the facts set forth in the annexed affidavit, and prays an order pursuant thereto, commissioning some judge or justice of the peace in the city of New Orleans to take the depositions of the said witnesses in the said cause, at such time and place as to your honor shall seem meet.

And, as in duty bound, &c.

BEVERLY CHEW.

Signed and sworn to before me, this 6th day of October, 1817.

JOHN NIXON, J. P.

The United States District Court, Louisiana district:

The United States, in behalf, &c., vs. cargoes of Juana, Eliza, Carmelita, and Diana.

The same, vs. brigs Diana and Juana, schooners Eliza and Carmelita.

The same; vs. ninety boxes sugar.

The same, vs. sundry goods, &c., part of schr. Mount Vernon's cargo.

City of New Orleans, to wit:

Beverly Chew, collector, one of the officers of the port of New Orleans, being duly sworn, deposes and says: That Raymond Espagnol and

John Ducoing, as this deponent is advised and believes, are material witnesses on the part of the prosecution in the above cases, and without the benefit of whose testimony the trial on the said behalf cannot be safely proceeded in; that the said witnesses are, as this deponent is informed and believes, about permanently to depart the United States, and before, in the common course of proceeding, the said causes can be brought to trial; so that, unless a commission issue for taking the depositions of the said witnesses prior to their intended departure from the United States, as aforesaid, the prosecution, he apprehends and believes, will be deprived of the evidence of the said witnesses.

BEVERLY CHEW.

Additional testimony taken in sundry cases depending in the United States District Court for the Louisiana district, on behalf of the United States, against sundry vessels and cargoes from Galveston.

John Ducoing being duly sworn, the deponent further says: That the establishment at Galveston was composed, as before stated, by persons of various nations, and that the sole view and object of the persons comprising the said establishment was to capture Spanish vessels and property, without any idea of aiding the revolution in Mexico, or that of any other of the Spanish revolted colonies, as far as this deponent knows and believes. And the deponent says, that during the time he exercised the functions of judge at Galveston, he had no knowledge of or belief in the existence of a Mexican republic, or other Government, independent of the Spanish Government.

The deponent further says that the Government established on the 15th day of April had no connexion whatever with any other Government, State, or people; that Galveston stands on a small island, or rather a small sandbar, a few miles long and broad, and was a desert when taken possession of by Aury, known by the name of Snake island, without a port or harbor, and no buildings, except a few huts or cabins, probably three or four, made of boards and sails of vessels.

And further this deponent saith not.

JOHN DUCOING.

Sworn and subscribed before me, this 7th day of October, 1817.

R. CLAIBORNE, Clerk.

Mr. Raymond Espagnol, being duly sworn, says: That, on the 16th day of March last, this deponent went from this place to Galveston, in the province of Texas, in the brig Devorador, for the purpose of disposing of merchandise. Aury was acting as Governor. This deponent accepted of no office or employment under Aury, nor had he any acquaintance with him; never took any oath of allegiance to Aury; that, on the 5th of April last, Aury and General Mina abandoned Galveston, burned the huts and cabins there were standing, and left no person, authorized by them or otherwise, to form a Gov-

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ernment. After their departure, to wit, on the 15th of April, 1817, the persons then at Galveston consisted of about thirty or forty in number, including sailors, &c., six of whom assembled on board of the schooner *Carmelita*, (belonging to Mr. Bartholomew Lafon, late of New Orleans, and engineer in the service of the United States,) to wit, Durier, John Ducoing, Pereneau, said B. Lafon, Rousselin, and this deponent, who formed the new Government. The proceedings were drawn up and signed by those present, by which certain persons aforesaid took upon themselves offices, namely:

Durier, governor; John Ducoing, judge of admiralty; this deponent, notary public and secretary; Pereneau, major du place; Rousselin, collector.

At the meeting on the 15th of April, there was no paper or document produced, authorizing the same, or giving them power to form a Government.

The deponent further says that the sole object and view of the persons comprising the establishment at Galveston was, as far as he knows and believes, to capture Spanish property under what they called the Mexican flag, but without an idea of aiding the revolution in Mexico, or that of any of the Spanish revolted colonies; and further, that during the time that this deponent acted as notary public and secretary to the new Government at Galveston, he had no knowledge or belief in the existence of a Mexican republic, or any Government in Mexico, independent of the Spanish authorities; further, the deponent says, that the new Government established at Galveston on the 15th of April, 1817, had no connexion whatever with any other nation, state, or people.

That Galveston stands on a small sandbar, a few miles long and broad, and was a desert when taken possession of by Aury, known by the name of Snake island; without a port or harbor, and no buildings, except three or four cabins, built of boards and sails of vessels.

Further, this deponent says, that some time in the month of May last, when some of the merchandise and vessels from Galveston were libelled by the Spanish Consul in behalf of the Spanish owners, application was made to this deponent to appear before the Honorable Judge Hall, and to prove that the authorities appointed by the meeting at Galveston, on the 5th of April last, were appointed and commissioned by Aury. This application was explicitly stated to be on behalf of those interested in the Galveston establishment, particularly of Mr. Bartholomew Lafon and Mr. J. Bte. Laporte, the former of whom was known to be indebted to this deponent in a sum of ten or twelve thousand dollars; this deponent refused informing the person by whom the application had been made; that if the deponent appeared, he would tell the truth, and should prove that the persons forming the Government (after the 15th of April) were not named by Aury. This deponent was not summoned as a witness, though it was known he was

in the city, and has continued since to reside here. The deponent says that this is the true reason why he was not summoned to appear before the judge at the time when Messrs. Rieux and Pereneau appeared.

RICHARD ESPAGNOL.

Sworn and subscribed before me, this 7th day of October, 1817.

R. CLAIBORNE, *Clerk.*

Extract—Mr. McIntosh to Mr. Crawford.

THE REFUGE, NEAR JEFFERSON,
CAMDEN COUNTY, Oct. 30, 1817.

MY DEAR SIR: The last letter I had the honor to address you was on the 9th of August; shortly after which the public papers announced that you had left Washington on a visit to Georgia. A few weeks after, I thought it not imprudent to venture out to my swamp plantation on the So-tillo, and since have been very little at St. Mary's. Since General McGregor and the greater part of his officers (some of whom were men of respectable standing in the United States) have left Amelia Island, there has not been so much ingenuity made use of in misrepresenting the conduct and intentions of the invaders of East Florida; and the accounts which are published of them are, for the most part, generally correct. The present chief, Commodore Aury, got the command very much against the inclinations of Sheriff Hubbert and Colonel Irwin. When he arrived at Fernandina with his squadron of privateers and prizes, they were entirely without money. He declared "that if he gave them any aid, it must be on the condition of being made commander-in-chief; and that, as General McGregor never had any commission whatever, the flag of the Florida Republic must be struck, and that of the Mexican hoisted; and that Fernandina should be considered as a conquest of the Mexican Republic, (under which he was commissioned,) without its being necessary that any other part of the province of East Florida should be conquered." Hubbert and Irwin reluctantly agreed to the mortifying condition of resigning the command. They were never friendly with the Commodore, and endeavored, but in vain, to gain over by intrigue a part of his men. Their own party considerably increasing shortly after, they were several times on the point of coming to open war with Aury and his followers, and under the pretence that Aury's forces were composed chiefly of brigand negroes. A few days before Mr. Hubbert's death, (who was called Governor, without having any power,) Aury marched to his quarters with a body of armed men, and obliged him to make such concessions as drove him to an act of intemperance, which soon after terminated his existence.

Since the death of this gentleman there has been little or no disturbance among them. But it would appear as if the suspicions of the Frenchman did not die with Hubbert, as none of his privateers have yet left Fernandina.

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The parties are designated as the American and French; and I have been assured, by individuals belonging to them both, that each is anxiously looking for reinforcements. Aury has a number of Frenchmen, who were, it is said, officers of Bonaparte. They find it their interest, as well as inclination, to support their countrymen. His great dependence, however, is on about one hundred and thirty brigand negroes, a set of desperate bloody dogs.

The American party, which is rather more numerous than the other, consists generally of American, English, and Irish sailors, but now has no declared leader. Irwin wants either spirit or popularity to assume that character. For my own part, I believe that, in point of morals, patriotism, and intentions, they are exactly on a par. Aury's blacks, however, make their neighborhood extremely dangerous to a population like ours; and I fear if they are not expelled from that place, some unhappy consequences may fall on our country. It is said that they have declared, that if they are in danger of being overpowered, they will call to their aid every negro within their reach. Indeed, I am told that the language of the slaves in Florida is already such as is extremely alarming. The patriots at Fernandina had, about ten days ago, an unexpected and strange reinforcement. Twenty half-pay British officers, by the way of Turk's Island, arrived at St. John's river, and, mistaking it for Amelia, a colonel and a couple of others were made prisoners by the Spaniards. The others got safe to Fernandina; but, finding that General Sir Gregor McGregor had abandoned it, they determined immediately on doing so too.

[The following Message and documents relating to this subject were communicated to Congress, January 13, 1818.]

To the Senate and House of Representatives of the United States :

I have the satisfaction to inform Congress that the establishment at Amelia Island has been suppressed, and without the effusion of blood. The papers which explain this transaction I now lay before Congress.

By the suppression of this establishment, and of that of Galveston, which will soon follow, if it has not already ceased to exist, there is good cause to believe that the consummation of a project fraught with much injury to the United States has been prevented. When we consider the persons engaged in it, being adventurers from different countries, with very few, if any, of the native inhabitants of the Spanish colonies; the territory on which the establishments were made, one on a portion of that claimed by the United States westward of the Mississippi, the other on a part of East Florida, a province in negotiation between the United States and Spain; the claim of their leader, as announced by his proclamation on taking possession of Amelia Island, comprising the whole of both the Floridas, without excepting that part of West Florida which is incor-

porated with the State of Louisiana; their conduct while in the possession of the island, making it instrumental to every species of contraband, and in regard to slaves of the most odious and dangerous character, it may fairly be concluded that, if the enterprise had succeeded on the scale on which it was formed, much annoyance and injury would have resulted from it to the United States.

Other circumstances were thought to be no less deserving of attention. The institution of a Government by foreign adventurers in the island, distinct from the colonial governments of Buenos Ayres, Venezuela, or Mexico, pretending to sovereignty, and exercising its highest offices, particularly in granting commissions to privateers, were acts which could not fail to draw after them the most serious consequences. It was the duty of the Executive either to extend to this establishment all the advantages of that neutrality which the United States had proclaimed and have observed in favor of the colonies of Spain, who, by the strength of their own population and resources, had declared their independence, and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances required. Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended Government in regard to the United States, but have countenanced a system of privateering in the Gulf of Mexico and elsewhere, the ill effects of which might, and probably would, have been deeply and very extensively felt. The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case, from the moment that the proclamation of the chief of the enterprise was seen; and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimations having been received of the dangerous purposes of these adventurers, timely precautions were taken, by the establishment of a force near the St. Mary, to prevent their effect, or it is probable that it would have been more sensibly felt.

To such establishments, made so near to our settlements, in the expectation of deriving aid from them, it is particularly gratifying to find that very little encouragement was given.

The example so conspicuously displayed by our fellow-citizens that their sympathies cannot be perverted to improper purposes, but that a love of country, the influence of moral principles, and a respect for the laws, are predominant with them, is a sure pledge that all the very flattering anticipations which have been formed of the success of our institutions will be realized. This example has proved that, if our relations with foreign Powers are to be changed, it must be done by the

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constituted authorities, who alone, acting on a high responsibility, are competent to the purpose; and, until such change is thus made, that our fellow-citizens will respect the existing relations by a faithful adherence to the laws which secure them.

Believing that this enterprise, though undertaken by persons, some of whom may have held commissions from some of the colonies, was unauthorized by and unknown to the colonial governments, full confidence is entertained that it will be disclaimed by them, and that effectual measures will be taken to prevent the abuse of their authority, in all cases, to the injury of the United States.

For these injuries, especially those proceeding from Amelia Island, Spain would be responsible, if it were not manifest that, although committed in the latter instance through her territory, she was utterly unable to prevent them. Her territory, however, ought not to be made instrumental, through her inability to defend it, to purposes so injurious to the United States. To a country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her neighbors, her jurisdiction for the time necessarily ceases to exist. The territory of Spain will, nevertheless, be respected, so far as it may be done consistently with the essential interests and safety of the United States. In expelling these adventurers from these posts, it was not intended to make any conquest from Spain, or to injure, in any degree, the cause of the colonies. Care will be taken that no part of the territory contemplated by the law of 1811 shall be occupied by a foreign Government of any kind, or that injuries of the nature of those complained of shall be repeated; but this, it is expected, will be provided for, with every other interest, in a spirit of amity, in the negotiation now depending with the Government of Spain.

JAMES MONROE.

JANUARY 18, 1818.

From the Secretary of War to the President of the United States.

JANUARY 12, 1818.

SIR: I have the honor to transmit copies of the orders which have been given by the acting Secretary of War to Major Bankhead, in relation to taking possession of Amelia Island, and copies of the communications which have been made to this department by that officer, which embrace all the information in my possession.

I have the honor to be, &c.

J. C. CALHOUN.

U. S. SHIP JOHN ADAMS, OFF AMELIA,

December 22, 1817.

SIR: We have received orders from our Government to take possession of Amelia Island, and to occupy the port of Fernandina with a part of our force, which will be moved over as soon as

it will be convenient for your troops to evacuate it.

To avoid unnecessary delay, we think proper at this time to inform you, in the event of your acquiescence in this demand, that you will be at liberty to depart with the forces under your command, and such property as belongs unquestionably to them will be held sacred.

You are to leave the public property found by General McGregor at Fernandina in the same condition it was taken, and the property of the inhabitants of Amelia Island must be restored to them, where they have been forcibly dispossessed of it; and no depredations on private property, from this period, will be permitted with impunity.

Should you, contrary to the expectations of the President of the United States, refuse to give us peaceable possession of the island, the consequences of resistance must rest with you.

We have the honor to be, &c.

J. D. HENLEY,

*Commander-in-Chief U. S. naval forces,
off Amelia.*

JAMES BANKHEAD,

Major 1st Battalion U. S. Army.

General AURY,

Commander-in-Chief at Fernandina, &c.

HEADQUARTERS, FERNANDINA,
Amelia Island, Dec. 22, 1817.

GENTLEMEN: I have had the honor to receive your official letter of this day. The nature of its contents requiring mature deliberation, I have submitted the same to the Representatives of the Republic, and, as soon as I shall have obtained their opinion, it shall be immediately sent to you.

I can, however, state to you, gentlemen, that no opposition will be made to surrender the island of Amelia on the part of this Government.

I have the honor to remain, &c.

AURY, *Commander-in-Chief.*

Com. J. D. HENLEY, Major BANKHEAD, &c.

HEADQUARTERS, FERNANDINA,
Amelia Island, Dec. 22, 1817.

GENTLEMEN: I have received your official letter of this day, by which, in the name of the Government of the United States, you summon us to evacuate this place with the troops under my command, as possession thereof is to be taken by the forces under your commands, under certain conditions therein specified.

This Republic, that of Mexico, nor any other of South America, being at war with the United States, obliges me to state to you that the contents of your letter have greatly surprised this Government and the people of the State. You have, nevertheless, intimated that, in case of our acquiescence to your demand, we shall be permitted to evacuate this island, which never was nor ever has been a part of the United States. Allow me, gentlemen, to observe to you, that,

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from the moment we took Fernandina by the force of our arms, we entered into the full possession of all the rights appertaining to our enemy, and that to this day we have supported these rights at the risk of our lives and fortunes. The boundaries of the Floridas and the United States having been fairly settled by the Treaty of Friendship, Limits, and Navigation, on the 22d of October, 1795, leaves us at a loss to ascertain your authority to interfere in our internal concerns.

Our surprise increases when we reflect that your communication comes as authorized by the Government of a people who glory in their respect for the rights of nations, whether great or small, and who, no doubt, sympathize and wish success to their southern brethren in the struggle for liberty and independence in which they are engaged, as were the United States forty years ago.

On the other side, you promise to hold sacred such of our property as unquestionably belongs to our citizens. Who is to be the judge in this case? The United States, who can by no means claim any kind of jurisdiction from the source of the river St. Mary's down to the ocean, on this side of the centre of the channel. We entertain too much veneration for your Constitution to believe for a moment that you, supposed already in possession of this island, which has never been ceded by the King of Spain, or by its inhabitants, to the United States, can bring with you a competent tribunal to decide upon this question. The only law you can adduce in your favor is that of force, which is always repugnant to republican governments, and to the principles of a just and impartial nation. The same observation may be applied to your interference with the property of the inhabitants, which we have always respected and considered as sacred.

You order us, also, as if we were subjects of your Government, to leave behind, when Fernandina is evacuated, all the public property that was found at its surrender. This demand is directly contrary to the public rights by which all public property captured by the enemy is avowedly that of the captors, when not otherwise stipulated. Are you acting in the name of the King of Spain, or his allies? As we consider the people of the United States as unquestionably the only free people on the surface of the globe, we cannot admit that you have now become the adherents of a tyrant; otherwise, your demand is inadmissible and unjustifiable in the eyes of the world; and if we must yield to it, all the blame rests with you.

Permit me therefore, gentlemen, to request of you to lay before the President of the United States these remarks, in order that a matter of so serious a tendency may be reconsidered. We have read his Excellency's Message at the opening of Congress with the utmost concern, and I have concluded that the political situation of this Republic has been greatly misrepresented in the United States, through the intrigues of our enemies. We have certainly a right to be heard, for which purpose I shall have the honor of forward-

ing to your Government the necessary documents. If you are not disposed to let things remain *in statu quo* until the President's further determination be known, I am authorized to assure you that we respect and esteem too highly the people of the United States to carry matters to extremities. I have the honor to remain, &c.

AURY, *Commander-in-Chief.*

J. D. HENLEY, Esq., *Capt. U. S. Navy.*

JAMES BANKHEAD, Esq., *Major Artillery, &c.*

U. S. SHIP JOHN ADAMS,
Off Amelia Island, Dec. 23, 1817.

SIR: We have had the honor to receive your communication of the 22d instant, and will briefly remark, that, as officers in the service of the United States, we are bound to obey the orders emanating from the authorities of our Government, without any discussion or animadversion on our part as to the correctness of them. We have been ordered by the President of the United States to take possession of Amelia Island, and as the President has expressed his solicitude that the effusion of blood may be avoided, if possible, it must be gratifying to us to be informed by you that no resistance will be made to us.

We will again remark, that private property will be sacred, and that our orders extend only to the public property captured by General McGregor at Fernandina.

We propose to land a force to-day, and to hoist the American flag; under that flag, no oppression or unjust measures will ever be witnessed. And we feel assured that there will be no difficulties in the arrangement made by us.

The squadron will immediately sail into the harbor, when the commanding officer of the land forces will wait on the commander-in-chief to make necessary arrangements for the landing of the troops. We have the honor to be, &c.

J. D. HENLEY, *Captain, &c.*

J. BANKHEAD, *Major, &c.*

Gen. AURY, *Commander-in-chief, &c.*

HEADQUARTERS, FERNANDINA,
Island of Amelia, Dec. 23, 1817.

I have had the honor to receive your letter of this date. I am ready to surrender this place to the forces under your command, whenever you may judge proper to come and take possession thereof. I have the honor to be, &c.

AURY.

J. D. HENLEY, Esq., *Captain, &c.*

J. BANKHEAD, Esq., *Major, &c.*

DEPARTMENT OF WAR, July 17, 1817.

SIR: Circumstances having made it necessary to occupy, without delay, Point Petre and the St. Mary's river, by a military and naval force, I have to request that you will instruct the officer whom, in pursuance of the order issued through the Adjutant General, you may detail to command at Point Petre, to co-operate with the officer

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commanding the naval force on that station, in such measures as may be deemed necessary for the preservation of the peace and tranquillity of that section of the country, which there is reason to apprehend may be disturbed in consequence of the contest between the Spanish royalists and patriots for the occupation of the adjacent territory. The officer will also be instructed to use due vigilance to prevent the violation of the revenue laws of the United States, and in particular to prevent the illicit introduction of slaves into the United States; and, in order to do this the more effectually, he will prohibit all vessels from entering the river St. Mary's.

I have the honor to be, &c.

GEORGE GRAHAM.

The OFFICER *com'dg* at Charleston, S. C.

Extract of a letter from George Graham, acting Secretary of War, to Major James Bankhead, Charleston, South Carolina, dated

NOVEMBER 12, 1817.

I am instructed by the President to direct you to repair immediately to Point Petre, with the effective force under your command, leaving only an officer and a few men as a guard at Forts Moultrie and Johnson. Captain Wilson has been ordered to repair with his company now at Fort Johnson, North Carolina, to Point Petre; and a detachment of new recruits, under the command of Captain Hook, who was on his route to join the fourth infantry, has also been ordered to that place. The troops enumerated above, and those now stationed at Point Petre, will constitute a force of more than two hundred men, of which you will take the command, until the arrival of General Gaines. A remittance of five thousand dollars has been made to your battalion quartermaster, whom you will take with you; and you will make requisitions for the necessary supply of provisions on the contractor's agents. It will be advisable to take from Charleston a supply of salted meat, and a sufficient quantity of flour and hard bread to serve two hundred and fifty men for thirty days at least.

DEPARTMENT OF WAR, Nov. 12, 1817.

SIR: It appearing to the satisfaction of the President that the persons who have lately taken possession of Amelia Island have done it without the sanction of any of the Spanish colonies, or of any organized government whatever, and for purposes unfriendly to and incompatible with the interests of the United States, he has decided to break up that establishment, and take temporary possession of Amelia Island. For this purpose, the troops ordered to assemble at Point Petre will co-operate with the naval force which has been ordered to St. Mary's, under the command of Captain Henley.

It is the anxious wish of the President that this should be accomplished without the effusion of blood; and he confidently hopes that the force destined for the purpose will be of such an im-

posing character as to induce those persons who now have the military occupation of the island to abandon it without the exercise of force; but, if it should be found to be indispensably necessary, force must be used. You will, therefore, immediately on the arrival of Captain Henley at St. Mary's, and in conjunction with him, despatch an officer to demand the abandonment of the island by those who now exercise authority there, and take such other measures as may be deemed proper to obtain the peaceable possession of it; also for the preservation of the property of those persons who were resident in the island when it was first captured by General McGregor. Should your demand for the evacuation of Amelia be complied with, you will then occupy with a part of your force the position of Fernandina, and take care that the cannon and other implements of war which belonged to the port, when captured by General McGregor, are not taken off.

If peaceable possession of the island, however, cannot be obtained, and it should be the opinion of Captain Henley and yourself that your joint forces are not competent to the prompt and certain reduction of the naval and military forces which may then occupy the harbor and post of Fernandina, you will, in that event, make a requisition on General Floyd, or such other officer as may command that division of the militia of Georgia in which Point Petre is situated, for a force not exceeding five hundred men, to be held in readiness to march at a moment's warning, and await the arrival of General Gaines, who has been ordered to Point Petre, for ulterior measures.

You will take with you from Charleston the necessary military stores, and such heavy cannon as may be required for the reduction of the fort on Amelia Island, in the event of resistance.

As no answer has been received to the communication addressed to you from this Department on the 17th July last, it becomes necessary to request that the receipt of this may be acknowledged, and that you also advise this Department regularly of your movements.

I have the honor to be, &c.

GEORGE GRAHAM.

Major JAMES BANKHEAD,
Commanding at Charleston, S. C.

FERNANDINA, AMELIA ISLAND,
December 24, 1817.

SIR: I have the honor to lay before you the correspondence held with General Aury, the late commander of this place, and to inform you that the American flag was raised here yesterday afternoon.

Several days will elapse before General Aury can withdraw his followers; but I have taken every measure to insure tranquillity, by ordering all his black soldiers to be embarked on board one of the ships lying in the port, and by not suffering any person to appear in the town with arms, but his officers; and the moment their vessels are prepared to receive the whole of them, they shall depart.

Suppression of Piratical Establishments.

Most of the inhabitants of this place, at this time, are followers of Aury, and those persons who have been drawn here from motives of speculation, who are, I suspect, of that profligate character generally engaged in the violation or evasion of our revenue laws. I shall, therefore, consult with Commodore Henley, and will enforce such regulations as may be most likely to preserve order until I receive instructions from the Government.

Until this place is completely evacuated by this band of negroes and privateersmen, I have deemed it prudent to keep the whole of my force here. On their departure I shall move all but one company to Point Petre. I have, &c.

JAS. BANKHEAD, *Major, &c.*

GEO. GRAHAM, *Esq., Acting Sec'y Navy.*

FERNANDINA, AMELIA ISLAND,
December 27, 1817.

SIR: I had the honor to forward to the War Department, on the 24th instant a copy of the correspondence with General Aury, previous to the landing of the troops under my command; and I herewith send a duplicate of the same.

Some difficulty has arisen from a want of competent authority to settle the disputed claims of the residents of this place against the late Government and the followers of Aury, who do not seem disposed to comply with their engagements.

One or two vessels have arrived here with cargoes, which the owners are desirous to land; and it might be improper to permit it, without obtaining security for the duties which the laws of the United States require. And other vessels, loaded in this port, have met with some delay in clearing for their destination. But the counsel of General Gaines, who arrived here last night, will regulate my conduct, and will in a great measure relieve my anxiety.

I have been obliged to exercise my authority, as commanding officer at this place, to preserve order; and I am happy to say that nothing unpleasant has occurred. I cannot say when General Aury and his party will sail. Their vessels are much out of order, and their arrangements to that effect progress but slowly. The morning after I landed, I ordered all the black and French troops to be embarked on board some of their vessels; but the crews of their privateers, and many others of all nations, whom it is difficult to restrain from violence and excess, are still here.

Until I am honored with your instructions, I hope that the course I may pursue may meet the approbation of the President.

General Gaines leaves this for the western frontier of Georgia the day after to-morrow.

I have the honor to be, &c.

JAMES BANKHEAD,
Major, &c., comm'g this port.

Hon. the SECRETARY OF WAR.

NAVY DEPARTMENT, Jan. 13, 1818.

SIR: I have the honor to enclose, herewith, copies of orders to Captain John H. Elton and

Commodore John D. Henley, in relation to Amelia Island; also, a letter from the latter officer, communicating information of the surrender of that place to the military and naval force of the United States, together with the correspondence which took place on that occasion.

I have the honor to be, &c.

B. W. CROWNINSHIELD.

The PRESIDENT OF THE U. S.

NAVY DEPARTMENT, July 16, 1817.

SIR: Proceed immediately with the United States brig Saranac under your command to the river St. Mary's in Georgia, and inform the military commander of your arrival, and of the objects specially designated to you in these orders.

The recent occupation of Amelia Island by an officer in the service of the Spanish revolutionists occasions just apprehensions that, from the vicinity to the coast of Georgia, attempts will be made to introduce slaves into the United States contrary to the existing laws, and further attempts at illicit trade in smuggling goods, in violation of our revenue laws.

You are hereby directed to detain and search every vessel, under whatever flag, which may enter the river St. Mary's, or be found hovering upon the coast under suspicious circumstances, and seize every vessel freighted with slaves, or whose doubtful character and situation shall indicate an intention of smuggling.

In the execution of these orders, you will take special care not to interrupt or detain any vessels sailing with regular papers, and of a national character, upon lawful voyages to or from a port or ports of the United States.

The traffic in slaves is intended to be restrained, and in the performance of this duty you will exercise your sound judgment in regard to all vessels you may visit.

Communicate frequently to this Department every event connected with this service; and if it shall be found necessary, a further naval force will be sent, either to strengthen your command, or to relieve you, so as to pursue your original destination. If you find it necessary, upon your arrival at St. Mary's, to employ a good pilot, well acquainted with the coast, rivers, and inlets, you are authorized to do so.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain JOHN H. ELTON,
Com'dg U. S. brig Saranac, N. Y.

NAVY DEPARTMENT, Nov. 14, 1817.

SIR: Having been appointed to the command of the United States ship John Adams, you are hereby ordered, in conformity to the wishes of the President of the United States, to proceed forthwith to the port of St. Mary's, in Georgia, taking with you the United States brigs Enterprise and Prometheus, and the schooner Lynx, if the two latter have arrived in New York, and are in a state of readiness to accompany you; but you

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will not procrastinate the departure of the ship John Adams on account of these vessels, as any of them not fully prepared to proceed with you shall be ordered to join you as soon as practicable at St. Mary's, at which place you will find the United States brig Saranac, Captain John H. Elton, and gunboat No. 168, Lieutenant Commandant R. McCall; both of which vessels will act under your orders.

The object of the President of the United States in ordering this naval force to St. Mary's is to remove from Amelia Island the persons who have lately taken possession thereof, and, as it is understood and believed, without authority from the colonies, or any organized Government whatever, and to the great annoyance of the United States. It has therefore been determined that these persons shall be removed from that island, and that possession shall be taken, for the present, by the land and naval forces of the United States.

On your arrival at St. Mary's, you will consult with the officer commanding the military force, who is instructed to co-operate with you in the performance of this service.

It is hoped that these persons will withdraw without bloodshed; and you will, for this purpose, should your relative rank be superior to that of the commanding officer of the land forces, make known to the chief commanding in Amelia the determination of the Government of the United States to take possession of the island; and if the said chief, and the armed forces under his command, will peaceably quit the island, you will permit them so to do, taking special care that no depredations be committed on the inhabitants, whom it will be your duty to protect from violation or injury, either in their persons or property.

Should the force, however, now in command of the island, contrary to all expectations, resist and refuse absolutely to give up and abandon the same, you are, in co-operation with the military force of the United States, to proceed and take possession of the island in the name and by the authority of the United States.

Should you fall in with, on your way to St. Mary's, or find in Amelia, any vessels from the United States, armed and equipped by American citizens, acting as privateers, contrary to the laws of the United States, you will capture such, and send them to Savannah, in Georgia, to be dealt with according to law.

You will detain all prizes, or other vessels having slaves on board, as the presumption is strong that they are intended to be smuggled into the United States. You will report, from time to time, to this Department the operations of the force under your command.

I am, very respectfully, your most obedient servant,

B. W. CROWNINSHEILD.

Secretary of the Navy.

Commodore J. D. HENLEY.

P. S. These orders are not to be delivered to any person.

U. S. SHIP JOHN ADAMS, OFF AMELIA,
December 24, 1817.

SIR: I have the honor to transmit a copy of the correspondence with General Aury, late commander of this place, and to inform you that the American flag was yesterday hoisted at Fernandina, and the Island of Amelia taken possession of by the land forces under Major Bankhead, of the United States artillery.

The black troops of General Aury have been embarked on board one of their ships lying in the port, and the remainder of his followers will be sent off the island as soon as the necessary arrangement can be made for the purpose. They are now engaged in watering their ships, and in the course of a week I hope to see all of them over the bar.

Most of the respectable inhabitants of this place retired on its capture by McGregor, and those now here are principally adventurers, who have been attracted by motives of speculation, and, as I suspect, and have every reason to believe, been engaged in the violation of the revenue laws; to prevent which in future, such precautions will be taken as are within my power, and which will, I presume, be adequate to the purpose.

I have not yet been able to examine the ship, and therefore can give you but little further information than was contained in my last communication. The leaks (the principal of which is about two feet under water) still continue, so that we make twenty inches of water per hour—and this lying in port. We are obliged to examine the magazine twice a day, to clear it of the water. I shall land all the powder immediately, to prevent any further damage. The bread, except a very small quantity, is entirely ruined, and unfit for use. I shall order a survey to ascertain the exact quantity of stores damaged, and inform you as early as circumstances will admit.

I shall also inform you by the next mail (which leaves St. Mary's on Saturday next) more particularly of the state of the ship than has heretofore been in my power; the object of the expedition not having been effected, rendering it impracticable to examine her thoroughly. I am, however, entirely convinced, in my own mind, that the battery now on the ship is too heavy for her; so much so, that I should deem her unsafe for a long cruise. I have the honor to be, &c.

J. D. HENLEY.

Hon. B. W. CROWNINSHEILD,
Secretary of the Navy.

U. S. SHIP JOHN ADAMS, OFF AMELIA,
December 30, 1817.

SIR: Since my arrival here, I have been so much engaged that I have not had one moment to write to my friends. You, no doubt, however, have some idea of my situation, and from my official reports, know that the American flag is now flying on Amelia Island. As there are many novel cases which must present themselves, I should have been better pleased had my instruc-

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tions been full; but we are now left to act as circumstances may require, and I am fearful that Aury and his followers will give us much trouble before they quit the island. I am sorry to add that the Americans appear to be much worse than any others. Should we be able to get through this business, so as to meet the approbation of the Department, I shall feel much gratified; but I trust, should I err in any steps that I may take, that it will be considered by the President as an error of judgment; for I do assure you that nothing would be so pleasing to me as to have my conduct here approved by the Executive. I have endeavored to keep as close to the letter of my instructions as possible, and have avoided every difficulty that I possibly could. I regret very much the difficulty of communicating with the Government. We have only one mail per week, and that does not remain in St. Mary's long enough to enable us to answer letters that we may receive by it.

The situation of my ships you are no doubt acquainted with, as I have written several times to the Secretary on that subject. I, however, do not wish to leave this place until everything is settled, and the Government have established some kind of police for the better government of this place, which, I am in hopes, will take place ere long. I am fearful that Aury expects that the American Government will relinquish Amelia, which impression will retard his departure. I have, &c.

J. D. HENLEY.

Hon. B. W. CROWNINSHIELD,

Extract from the capitulation of the Island of Amelia, dated at Fernandina, June 29, 1817, and signed by Francisco Morales and Joseph de Yribarren, attested by B. Segin, and approved by Gregor McGregor.

"Brigadier General McGregor, Commander-in-Chief of all the forces, both naval and military, destined to effect the independence of the Floridas, duly authorized by the constituted authorities of the Republics of Mexico, Buenos Ayres, New Grenada, and Venezuela, offers to Don Francisco Morales, *Capitan del regimiento de Cuba*, and commandant civil and military of the Island of Amelia, the following terms," &c.

Extract from a proclamation of Gregor McGregor dated Headquarters, Amelia Island, June 30, 1817, and signed Gregor McGregor, attested by Joseph Yribarren, Secretary.

PROCLAMATION.

"Gregor McGregor, Brigadier General of the armies of the United Provinces of New Grenada and Venezuela, and General-in-chief of the armies of the two Floridas, commissioned by the Supreme Directors of Mexico, South America," &c.

Extract from an address of Gregor McGregor, dated at Headquarters, San Fernandina, July 1, 1817, and signed Gregor McGregor, and attested by Jos. Yribarren.

"Gregor McGregor, General of Brigade to the

armies of the United Provinces of New Grenada and Venezuela, and General-in-chief of that destined to both the Floridas, with commission from the Supreme Governments of Mexico and South America," &c.

"In the name of the independent Governments of South America, which I have the honor to represent, I thank you for this first proof of your ardor and devotion to her cause; and I trust that, impelled by the same noble principles, you will soon be able to free the whole of the Floridas from tyranny and oppression."

IMPRISONMENT OF R. W. MEADE.

[Communicated to the House, January 29, 1818.]
*To the House of Representatives
of the United States:*

In compliance with a resolution of the House of Representatives of the 23d of December last, requesting information relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, I now transmit to the House a report from the Secretary of State containing the information required.

JANUARY 29, 1818.

JAMES MONROE.

DEPARTMENT OF STATE, Jan. 28, 1816.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 23d of December last, requesting the President to cause to be laid before the House any information he may be able to communicate relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, has the honor of submitting to the President the accompanying papers received at the department on that subject, with a letter addressed to the Minister of Spain, residing here, since the resolution of the House, and the answer received from him.

JOHN QUINCY ADAMS.

[Correspondence concerning Richard W. Meade, communicated to the Department of State by Mr. Erving.]

No. 1.

Mr. Erving to Mr. Monroe.

MADRID, September 28, 1816.

SIR: Perceiving by the public papers that the case of R. W. Meade, a citizen of the United States, for many years established at Cadiz in commerce, and now suffering in prison by order of this Government, has excited considerable sensation in America, it seems to be proper that I should submit to you my correspondence with Mr. Cevallos on this subject.

I have herewith the honor to enclose my note to that Minister of August 27th, his reply of September 10th, and my further note of September

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16th. To this last I have not yet received an answer. I have the honor to be, &c.,

GEORGE W. ERVING.

No. 2.

Mr. Erving to his Excellency Don Pedro Cevallos, First Minister of State, &c.

MADRID, August 27, 1816.

SIR: It is my duty to recall the attention of His Majesty's Government to the case of Richard W. Meade, a citizen of the United States, who is imprisoned by the authorities at Cadiz, under semblance of law and of His Majesty's authority, but, as must be presumed, against his will, and, as can be substantiated, against his orders issued on the 10th August, 1815.

A particular statement of circumstances of the case was transmitted to your Excellency by the Secretary of this Legation, in a note of July 8th last; it is, therefore, needless that I should now recite them.

I propose to refer to your documents only, each of them of principal importance, and which, taken in their connexion, point out most distinctly and indisputably the illegality of the proceedings against Mr. Meade, and the course which consistency, as well as justice, requires to be now taken for his relief.

The documents to which I refer, and copies of which are herewith enclosed, are, viz :

No. 1. An order of the Consulado of Cadiz, dated February 18, 1814, directing Meade to deposit in the office of the Treasury General of the province a certain sum of money, respecting which a process was then pending in the said Consulado.

No. 2. The receipt of the Intendant of the Treasury for the deposit made by Meade, pursuant to the order of the Consulado.

No. 3. The reply of the Intendant of the Consulado, when that tribunal inquired as to the nature of the deposit made.

No. 4. A royal decree of August 10, 1815, suspending the further proceedings of the Consulado, till the Treasury should be able to collect funds for the purpose of restoring the sum deposited by Meade.

It is not my intention, for it would be altogether useless, to enter into a history of the original transactions upon which, finally, a suit was brought before the Consulado of Cadiz against Mr. Meade, and is now continued in the name of Mr. John McDermot.

Meade always held the moneys in question, to be paid over in legal form as the competent authorities should direct.

Your Excellency will, I am persuaded, now examine the affair with impartiality, and free from the impressions unfavorable to this American with which it has been attempted to pre-occupy your judgment. If it were my duty, on the other hand, to state what ought to be his personal merits in the view of this Government, I should dwell upon the very extensive and important services which, as a merchant and a capi-

talist, he rendered to Spain in the crisis of her affairs the most trying and difficult. It ought surely to be known to your Excellency that he contributed most essentially to the cause of this country, by giving large credits to its occasional Governments, and that for these services he is not yet reimbursed. But I have not to ask any favor for him. I desire but strict and impartial justice; and I found my claim to his immediate release from prison on the acts of the Government in whose name, and of the very tribunal by which, he is now imprisoned.

By the first two of the enclosed documents, your Excellency will perceive that Mr. Meade, submitting to the orders of the Consulado, paid the amount of the moneys in suit into the Treasury of the province. The payment is said to have been effected in "libramientos," or receipts for libramientos of the Treasury General, or Intendant; credits of Meade with the Treasury, which were payable in specie, and which were to be paid in specie within a few days. The Intendant, therefore, readily gave to Meade the receipt (No. 2) for a deposit in specie, the libramientos being cancelled, and passed to the several accounts to which they belonged. Thus, therefore, every legal and formal requisite being complied with, Meade was exonerated from all responsibility; and, to make his irresponsibility still more perfect, if that were possible, the Intendant wrote to the Consulado, (No. 3.) stating expressly that the deposit had been made in specie, and that he would respond to the Consulado for specie.

After such conclusive proceedings, it would seem impossible that Mr. Meade could be again questioned by the tribunal in the same matter.

Was the tribunal wrong in ordering him to make the deposit? *Sibi imputent*—let it answer for its own errors. Was the Intendant culpable in receiving the libramientos as specie? He is then to be censured. But he has expressly made himself responsible to the Consulado for specie; let him then be held to that responsibility. These may be questions between the Government and its officers, but it is certainly highly unjust that an individual should be sacrificed to repair their errors. Will it be said that the libramientos delivered to the Treasury, and credited to Meade as cash, and held by the Treasury in deposit, and promised by the Intendant to be paid over as cash, are not, in fact, equivalent to cash? Certainly not. The Government will not pass this condemnation on its own securities. But if the contrary supposition were admissible, even then Mr. Meade remains exempt from all responsibility; for the libramientos in question have been already passed into account, as paid in specie, and have been cancelled by the officer who had the competent authority to do so. Nevertheless, the Consulado, which, by its own act, had precluded itself from all further jurisdiction over Mr. Meade in this matter, still persisted in its process against him, and decreed that he should pay over to that tribunal the sum which he had previously deposited, by its own order, in the Treasury.

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Against this injustice, Mr. Meade appealed to the superior tribunal of the province; but its interference was overruled by the tribunal of war at Madrid; and this latter confirmed the sentence of the Consulado of Cadiz.

Mr. Meade was then obliged to resort to the sovereign, who had issued the decree of August 10, 1815. This decree is, in all its parts, perfectly just. It suspends the proceeding of the Consulado against Meade, and acknowledges the validity of the deposit made, by directing as it were funds to be collected for effecting the return of the money by the Intendant, to the end that it might be paid into the Consulado; and that, in the meantime, till funds be collected for the purpose of effecting the return of this deposit, the tribunal of commerce shall suspend all proceedings against Meade, &c.

Of this decree neither party can complain; how, then, has it been reversed? If there has been any delay in the payment to be made by the Treasury, that is not Meade's fault; the decree is illimited; it orders all proceedings against him to be suspended till that object be effected.

It is not my purpose to call into question the justice of Mr. McDermot's demand, or to blame any of his proceedings; but what I state with confidence is, that his claim is now properly on the Treasury or Intendant. If the Consulado or Intendant have, in the course of their proceedings, changed the situation of Mr. McDermot's case for the worse, they have done him wrong; and it is of them that he should complain; but they have acted in virtue of their regular faculties, and have exonerated Mr. Meade; or had their conduct been even illegal, yet Meade cannot be made responsible for it; he had not any control over them, or any means of resisting them.

It was very natural for him to offer the deposit in libramientos, but he did not force the Intendant to receive them; that was his own act. Nor, indeed, does there appear to be anything irregular in that act, since payment was due by the Treasury on the libramientos. The transaction was then the same, in effect, as though the Intendant had paid to Meade the amount of the libramientos in specie, and then received back that specie in deposit; and it was effected in that form also; so that, if there was any fault in the Intendant, it was that of paying Meade what was due to him. But this, I presume, cannot be called a fault, or, if so, the transaction cannot be vitiated by it. The Intendant, then, having informed the Consulado that the deposit had been made in specie, and that he was responsible to the Consulado for specie, Mr. Meade is of course exempt from all further process; and the royal decree above cited considered him so to be.

But now, sir, a second time this Consulado, which, as I have shown, having ordered Mr. Meade to deposit in the Treasury, did thus, by its own act, absolve him from its jurisdiction, renews its demand on him for another deposit to the same amount, and, in defiance of His Majesty's decree, on Meade's non-compliance, has thrown him into a dungeon.

Surely there cannot be any law to authorize the imprisonment, as a condemned felon, of a defendant in an action for debt yet pending; much less can it be permitted that any authority should amend its own faults and errors by sacrificing the liberty, property, and domestic happiness of an individual; and still less is it possible that His Majesty should allow the continuance of such proceedings in a case where his own treasury is the depository of the funds in question, which, by his own decree, have been ordered to be paid over in satisfaction of the judgment. It is with entire confidence, therefore, that I request your Excellency to lay this representation before the King, not doubting but that he will order that Mr. Meade be immediately released from confinement, and that the royal decree of August 10, 1815, be maintained and observed. I have, &c.,

GEORGE W. ERVING.

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No. 3.

Don Pedro Cevallos to Mr. Erving, Minister Plenipotentiary of the United States, Madrid.

PALACE, September 10, 1816.

SIR: I have given an account to His Majesty of your note of the 27th of last month, relative to Mr. Richard Meade; and it is His Majesty's pleasure that I should inform you, that as his case is pending before the Supreme Council of War, he must have recourse to it.

By His Majesty's orders, the Council of War presented to His Majesty a report on the affair pending in the tribunals of Spain between the creditors of a commercial house in London, in a state of failure, and Mr. Richard Meade.

It states the restitution of a deposit of upwards of \$50,000 in specie, made to Meade by the said house in failure at London, and that he attempted to restore the money demanded of him in credits of the Treasury.

The council reports against Meade, and states that he availed himself of this circumstance with a view to surprise the equity of the sovereign to the very great injury of strict justice, of the interests of the bankrupt house and of its creditors; and afterwards gave it as their opinion (*dictamen*) that His Majesty ought not, in opposition to the laws, to agree to the petition of Meade, who should deliver up the aforesaid deposit, in like manner, and in the same specie as he had received it, or give full, clear, and sufficient security, to the satisfaction of the tribunal of commerce of Cadiz; and, in default thereof, to be removed to a public prison, to prevent all evasion of the sentence against him.

His Majesty thereupon assented to the opinion (*dictamen*) of the council, to which Meade is to conform. I renew, &c.,

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No. 4.

Mr. Erving to Mr. Cevallos.

MADRID, September 16, 1816.

SIR: On the 13th instant I received your Excellency's note of the 10th instant, in reply to

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mine of 27th August, respecting the case of R. W. Meade, a citizen of the United States, now detained in a felons' prison at Cadiz. I had required that Mr. Meade should be released from his confinement, because, on a review of the proceedings against him, and reference to the documents enclosed in my note of August 27, I found that those proceedings were unjust, since the object of them was to compel him to pay a sum of money which he had already paid in virtue of a judicial decree; and illegal, as well for that reason as because they were in violation of His Majesty's own decree of August 14, 1815.

Your Excellency has not thought proper to revert to these antecedents, but you have been pleased to confine yourself to a simple narrative of what has passed in the council of war subsequent to the date of His Majesty's decree, and upon this ground to refer the party aggrieved to this same council of war. If I understood your Excellency's note aright, it states that a posterior decision of the council of war has declared His Majesty's decree of August 14, 1815, to be unjust and illegal, and has advised His Majesty to reverse it, and to put Mr. Meade in prison, until he shall have paid the sum demanded of him; and further, that His Majesty has complied with this extraordinary *dictamen*; that thus Meade is actually in prison, with the knowledge and consent of His Majesty, who has thought proper to render his own decree a dead letter. These are facts which I could not suppose to have existed, and to which I should have found it very difficult to have given credit, had I not thus received them from your Excellency. In truth, they may be considered as determining the perpetual imprisonment of Mr. Meade; for it cannot be imagined, even if he be able to pay, that he will ever consent to pay a second time that sum which he has before deposited in His Majesty's treasury, and for which the treasury has formally made itself responsible.

In this last consulta of the council of war, it is stated that Mr. Meade attempted to restore the money demanded of him in credits of the treasury, (*intenta devolver en papeles de credita contra Tesoreria.*) By this phraseology the fact has been concealed from His Majesty of the payment which was actually made by Meade to the Treasurer General, for the amount of which, in specie, the said Treasurer General formally made himself responsible to the Consulado.

This fact, I say, was not stated to His Majesty, as it should have been, by the council of war. If your Excellency will take the trouble of reverting to my note of the 27th ultimo, you will see that it is therein specially set forth, supported by conclusive documentary proof, and that upon it is very principally founded the reclamation which I have made in favor of Mr. Meade.

This remains, then, in all its former force, and altogether unanswered by your Excellency's note. But to simplify the case as much as possible, to disembarass it of all legal questions and discussions arising out of Mr. McDermot's claim, or belonging to the antecedent proceedings; in fine,

that both parties may have justice in a mode comporting with the good faith and consistency of the Government, I now place my demand in another form.

Considering that Mr. Meade, in pursuance of a judicial decision of the Consulado of Cadiz, did, on the 19th of February, 1814, pay into the office of the Treasurer General of the province the sum of 1,050,327*v.*;

Considering that the said Treasurer General did acknowledge the said payment to have been made in specie, and did promise to repay specie whenever called upon;

Finally, considering that the funds in question are actually in the royal treasury;

For these reasons, I require that the Treasurer General be ordered immediately to pay over the same funds, in specie, to whomsoever the Consulado of Cadiz shall appoint to receive them.

I renew, &c.

G. W. ERVING.

No. 5.

Don Pedro Cevallos to Mr. Erving.

OCTOBER 17, 1816.

SIR: Having laid before the King your note of the 16th September last, relative to Mr. Richard Meade, I have received His Majesty's commands to inform you that the affair of this individual being under the especial cognizance of the supreme council of war, it is to this tribunal that his reclamations must be addressed.

I renew to you, &c.

PEDRO CEVALLOS.

No. 6.

Mr. Erving to Mr. Cevallos.

MADRID, October 21, 1816.

SIR: In a note of September 16, upon the case of R. W. Meade, an American citizen in prison at Cadiz, I required that the Treasurer General of that district should be ordered to pay over to such person as the Consulado of Cadiz should appoint to receive the same, the moneys which have been deposited with the said Treasurer General by said Meade, in obedience to a judicial order of the said Consulado.

In your Excellency's reply of the 17th instant, you are pleased to tell me that the affairs of Mr. Meade being rooted (*radicados*) in the supreme council of war, to that tribunal he ought to resort.

In this your Excellency has reference, I presume, to a certain suit brought against Mr. Meade by Mr. John McDermot; you certainly do not mean to be understood that all affairs whatever of Mr. Meade are to be subjected to the decision of the council of war, nor can I conceive that any such connexion between the suit of Mr. McDermot and the demands of Mr. Meade on His Majesty's treasury can be established as can bring these last within the cognizance of that tribunal.

Permit me to ask whether the supreme council of war has the faculty of ordering the Treasurer

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General of Andalusia to pay over the funds which Mr. Meade deposited with him to such persons as the Consulado of Cadiz may appoint to receive them?

If so, I will request your Excellency to lay before that tribunal the demand made in my last note, according to the practice in similar cases; but if the tribunal of war has no such faculty, then the order which I have requested can be given only by the Executive Government. My application for its interference was perfectly correct, and your Excellency's reference to the tribunal is, as to any useful object, perfectly nugatory; for Mr. Meade must necessarily be answered that the tribunal has not any control over His Majesty's treasury. I had flattered myself with a hope that, in our conference on the 5th instant, I had succeeded in convincing your Excellency that the case between Mr. Meade and Mr. McDermot, and that between Mr. Meade and His Majesty's treasury, were altogether distinct. I do not solicit any act of injustice against Mr. McDermot, and I ought to presume that it is His Majesty's desire to do justice to Mr. Meade. In acceding to my demand in his favor, your Excellency will accomplish that desire; and so far from impugning the claims of Mr. McDermot, the effect of the measure will be to satisfy them by payment, and to extinguish all the processes to which they had given rise.

I do trust, then, on reconsidering the case, your Excellency will perceive that only two inquiries are necessary, viz: whether Mr. Meade did, by order of the Consulado, deposit the funds in question with the Treasurer General; and whether they yet exist in the hands of the treasurer. Of these facts I have already laid before you indisputable proof in the papers marked Nos. 1, 2, 3, transmitted to you with my note of August 27, viz: No. 1. The order of the Consulado, directing Meade to deposit. No. 2. The receipt of the Treasurer General for the deposit made. No. 3. The acknowledgment of the treasurer that he holds said deposit in specie, subject to the orders of the Consulado. It is for want of these funds, now in His Majesty's treasury, that Mr. Meade is in prison; the payment of them to the order of the Consulado will quiet all claims, and satisfy all parties, and will not interfere with the jurisdiction, or require the intermediation of any tribunal whatever.

He recurs, then, to the King, whose power to enforce is as indisputable as his disposition to do right; and I, on his part, require only the plainest act of justice when I demand that an express royal order be issued for his immediate liberation from prison, and for the payment of the funds deposited by him in the royal treasury of the province to the Consulado of Cadiz, or to such person as it may appoint to receive the same.

I remain, sir, with great respect, your most obedient servant,

GEORGE W. ERVING.

Minister United States.

His Exc'y M. CEVALLOS.

No. 7.

Don José Pizarro to the Minister of the United States.

PALACE, November 7, 1816.

SIR: I have laid before His Majesty your note of the 21st of last month, in which you insist that the sums deposited by Mr. R. Meade in the royal treasury should be paid over to the tribunal of commerce of Cadiz, or to whomsoever it may authorize to receive them. This affair appertaining to the Ministry of the Treasury, His Majesty has been pleased to determine that your said note be transmitted to the Secretary of that Department, that, through this channel, it may again be submitted to His Majesty's decision.

I renew, &c.

JOSE PIZARRO.

No. 8.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, May 12, 1817.

By my despatches, Nos. 20, 23, 26, I had the honor to submit to you copies of the first part of my correspondence with the Spanish Secretary of State, on the case of Richard W. Meade. As that gentleman, despairing of the success of my efforts in his favor, desires that the whole of his case may be laid before you, I now transmit copies of all the notes which have passed on it since the month of November.

No. 9.

Mr. Erving to Mr. Pizarro.

MADRID, December 26, 1816.

SIR: On the 7th November your Excellency replied to my note of 21st of October, on the case of R. W. Meade, an American citizen in prison at Cadiz, that you had transmitted the same to the Minister of Hacienda, that the royal resolution might be given through that ministry. In consequence, as I presume, of your Excellency's communication to the Minister of Hacienda, Mr. Navarrete, the Treasurer General, wrote to the Consulado of Cadiz on the 19th of November; the answer of that tribunal is dated on the 29th of November. It is completely satisfactory and in perfect accord with what I have stated to you on the case. Why a copy of it has not been already transmitted to you, I will not undertake to conjecture; but seeing that this document, as well as others in the cause, do virtually confess that the proceedings against Mr. Meade are of the unjust and violent character which I have attributed to them, and that every unnecessary delay is an augmentation of the injustice, as I ought to believe, and am persuaded, entirely contrary to the disposition of His Majesty—for these reasons I pray your Excellency to demand from the Minister of Hacienda a copy of Mr. Navarrete's aforesaid correspondence with the Consulado, and to lay it, in conjunction with my representations, before His Majesty.

GEORGE W. ERVING.

Imprisonment of R. W. Meade.

No. 10.

Mr. Erving to Mr. Pizarro.

MADRID, March 14, 1817.

SIR: In a note of September 16, 1816, to your Excellency's predecessor, I required that the Treasurer General of the district of Cadiz should be ordered to pay, to such person as the Consulado of Cadiz should appoint to receive the same, a certain sum of money, which had been deposited with the said Treasurer by R. W. Meade, an American citizen, in obedience to an order of said Consulado, and for which sum said Meade then was, as he still is, held in prison.

Having been answered by Mr. Cevallos, generally, that the affair of Mr. Meade was before the council of war, I insisted on my former demand, (in a further note of October 21,) showing to the Minister that it had no necessary connexion with any process depending before the council of war; and further, that it was not possible for the council to satisfy my reclamation, even if it should be disposed to do so, because it had no faculty to give such orders to his Majesty's treasurer as I had desired.

In answer to that note, your Excellency was pleased to inform me, on the 7th of November, that, as my demand related to the duties of the Minister of Hacienda, His Majesty had resolved that my note of 21st October should be passed to that Minister, to the end that through that department the royal resolution should be given. ("*Se pasa la citada nota al señor Secretario de dicho Departamento para que por su conducto recayga la real resolución.*")

In consequence, I presume, of this measure, the Treasurer General, Señor Navarrete, wrote to the Consulado of Cadiz, on the 19th of November, requiring that tribunal to inform him particularly as to the aforesaid deposit. The Consulado replied to the treasurer on the 29th of November, that the deposit had been made by its order; that it had been made "in effective specie," ("*en libramientos de plata efectiva*;"") that it existed at the treasury; and that the treasurer had made himself responsible to the said Consulado for the amount.

I annex to this note a copy of that most important correspondence between the Treasurer and the Consulado, and which your Excellency was pleased also to procure a copy of from the Minister of Hacienda, pursuant to the request contained in my note of December 25.

This correspondence leaves not the least doubt as to the nature of the deposit, or its actual existence; and I assured myself that it was all that could be desired, and that it must necessarily produce an immediate order for the release of Mr. Meade from prison. I am therefore much surprised to find that the affair, instead of having been despatched, as I understood by your Excellency's note of November 7 that it would be, has again fallen back into the hands of the council of war; which tribunal, as before observed, cannot have any control over the operations of His Majesty's Treasury.

If the council of war should enter into any inquiry as to the nature of the deposit, can the result, whatever it may be, of that inquiry, be opposed to the complete, plain, unequivocal declaration of the Consulado of Cadiz, the very tribunal by order of which the deposit was made, which is most interested to ascertain its nature, and its actual existence? But in no view can it be of the least importance in considering, or should it have the least influence in deciding, upon my reclamation, whether the deposit is, or is not, satisfactory to the council of war; and therefore I will not here enter into its past and present proceedings, nor will I advise Mr. Meade to appear before that tribunal to prove anything which may relate to the nature of that deposit. It is sufficient that the deposit was made by the order of the Consulado; that it was paid into His Majesty's Treasury, and is now there. All this is proved by the confession of the Consulado itself; and I cannot acknowledge the justice of any plea for holding Mr. Meade in prison, by a decision of another of His Majesty's tribunals, for the very sum thus deposited.

His Majesty's Treasury has the money in question. Mr. Meade is suffering in prison under His Majesty's authority! What can be more simple than the course pointed out by justice in this case?

As the representative of the American Government, the natural protector of its citizens against all injustice, I appeal directly to His Catholic Majesty against the injustice of those acting in his name and under his authority; and I request your Excellency, as the proper channel of communication, to lay my reclamation before him. And if His Majesty should desire to be more particularly informed of the proceedings of the council of war, and of all the persecutions which this American citizen (who, I cannot but remind your Excellency, so much contributed to support the cause of Spain in the most critical epoch of her affairs) has suffered; then if His Majesty will condescend to peruse the last memorial which Mr. Meade addressed to him, he will, I doubt not, see enough to reprehend.

GEORGE W. ERVING.

No. 11.

Mr. Erving to Mr. Pizarro.

MADRID, March 24, 1817.

SIR: With my note of the 14th instant upon the case of R. W. Meade, an American citizen confined in the castle at Cadiz, I transmitted to your Excellency what ought to be considered as the most satisfactory and conclusive evidence relative to the nature and the actual existence of the deposit made by him in the royal treasury of that district, by order of the Consulado of Cadiz. It appeared to me that nothing further could be required, and, if your Excellency would lay it before His Majesty pursuant to my request, that it must produce an instant order for the release of Mr. Meade; but seeing that the sufferings of this individual still continue, I cannot omit any

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measure, however superfluous it may appear, which may possibly contribute to his release, heaping proof upon proof of the injustice done to him. It is therefore that I now send to you (herewith enclosed) a certificate, dated 15th of March, (regularly authenticated,) of Don Antonio Ysarbe, "*contador principal de ventas provinciales*" of Cadiz, who is the only person authorized to grant certificates relative to the operations of the treasury in that district, and through whose hands all such matters must necessarily pass. This certificate has been granted on the petition of Mr. Meade, which I also take the liberty of enclosing.

I beg your Excellency's particular attention to this certificate; it is ample and explicit in every respect, and I am persuaded must convince you that no further research on the points in question can be necessary. I therefore confidently re-urge my request, that your Excellency would be pleased to lay my reclamation before the King; and I rely on His Majesty's just dispositions for the immediate release of Mr. Meade.

GEORGE W. ERVING.

No. 12.

Mr. Pizarro to Mr. Erving.

MADRID, April 12, 1817.

SIR: Immediately that I received your note of the 24th of last March, I directed, by order of the King, my master, the supreme council of war to despatch with all urgency the "*consulta*" which had been required of it, relative to the affairs of Mr. Richard Meade with the house of Hunter, Raynes & Co., of London; and I wait for the said *consulta* to lay the matter before His Majesty, and to obtain his sovereign resolution.

I renew, &c.,

JOSE PIZARRO.

No. 13.

Mr. Erving to Mr. Pizarro.

MADRID, May 9, 1817.

SIR: I have the honor to acknowledge the receipt of your Excellency's note of the 12th of April, in reply to mine of the 24th of March, relative to the case of Mr. Meade. You are pleased to inform me that on sight of my said note you ordered the council of war to despatch, in all haste, the "*consulta*" which you had previously asked of it, relative to the affairs "between Don Ricardo Meade and the house of Raynes, Hunter & Co., of London." I ought to presume that by this order your Excellency meant to promote the object of my former representations; but permit me to observe, referring to those representations, that in no part of them have I considered the termination of any process which may be pending before the council of war, between Mr. Meade and the English merchants, as at all essential to my purpose, which has been simply to obtain the release of an American citizen from an unjust imprisonment—an imprisonment which you yourself, in a letter of

December 8 to the council of war, have declared to be illegal. In that letter your Excellency has said that Mr. Meade's case is not sufficiently comprehended within the law under the pretence of which he has been imprisoned: "*quien, (Meade,) no esta bastante determinadamente comprendido en el caso de la ley que se cita para su aresto.*" Independent of this legal point, I have shown to your Excellency, in my former notes, that the imprisonment is unjust, because His Majesty's Treasury has the very funds which should be paid to satisfy the judgment of the tribunals. It was long since decided that Mr. Meade was a debtor to the English merchants; the funds in question had been deposited in the royal treasury, by order of the competent tribunals; and, it has been proved, by authentic and complete documents, that the deposit exists in the treasury as effective cash. What I have required, then, as a measure of the plainest justice, is, that these funds should be paid by the treasury, to satisfy the judgment. Thus Mr. Meade would be released from prison, of course; and all necessity of legal decision, as to the nature of his imprisonment, would be superseded; and all litigious questions between him and the English creditors would cease. I had certainly succeeded in impressing your Excellency with this view of the subject, for, as far back as the 7th of November, you informed me that the affair was properly within the Department of Hacienda, and that His Majesty would give his decision through that department. Under the same impression, doubtless, you wrote to the Minister of Hacienda, on the 4th of December, desiring that a statement of the facts within the cognizance of his department might be sent to you, to the end that you might submit them to His Majesty, to enable him to decide on the *consulta* of the council of war, (of November 28,) at that time before him. In the same way your Excellency wrote to the council of war, on the 8th of December, requiring that all the original documents which relate to the nature of the deposit made by Mr. Meade should be sent to you. Even in your letter of February the 7th, to the same council of war, by which you return to it the "*antecedents*," you confine your view principally to the existence and nature of the deposit.

Convinced, then, as your Excellency was, that the imprisonment of Meade was illegal, and as to the nature of the deposit, (a point which you considered all-important in the case, having before you the certificates of the officers of Hacienda, as well as of the Consulado of Cadiz, proving that it existed in effective specie,) I could not doubt but that you intended to submit the case to His Majesty's decision, as announced in your letter of December 4th to the Minister of Hacienda, and conformably to what I had repeatedly proposed. You have not been pleased to acquaint me with whatever motives you may have had for deviating from this intention; but it does appear that you have required of the council to determine on the legality of the imprisonment, which was its own act—an act of which, in your

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letter of December 8th, you expressed His Majesty's disapprobation, and the injustice of which has been made still more apparent by the above mentioned proofs as to the nature of the deposit. It appears, also, that you transmitted to the same council, in the month of February, documents which you demanded from it in the month of December, for the purpose of being laid before the King, but which are now to be enveloped in questions from which they had been, and stood, entirely separated.

In thus sending the affair back to the council, the parties (Meade and McDermot) are made uselessly to litigate about the nature of a deposit which the Government knows to exist, in specie, in its own treasury. Thus, the simple act of justice which I have demanded is procrastinated to an indefinite time, being made dependent upon contentious questions, with which it has no necessary connexion. Your Excellency is perfectly convinced, by documentary evidence of indisputable authority, from every department of the Hacienda, that the royal treasury is debtor to Meade for the amount, in specie, of the deposit made by him; that, with or without law, Meade has been twelve months, and still is, in prison, for the same amount due to the English claimants, for whose benefit the said deposit was made, by order of the tribunal which at that time had cognizance of the then pending suit; and it is evident that the repayment of this money would release Meade from prison, at the same time that it would satisfy the English creditors. Allow me, then, to ask, to what useful end is the Council of War now employed? To declare the illegality of its own acts? But all investigations of that nature will be rendered unnecessary by the repayment of the money now in the hands of Government. The council can decide to whom, of right, the money deposited belongs; but on this point there is no dispute. The deposit belongs, of right, to the English creditors, represented by McDermot. The council has no control over the treasury. In examining, therefore, into the nature of the deposit, it can have no other guide than the very official documents which have been before your Excellency. These are unequivocal and conclusive. It matters not now whether the deposit, in its original form, was, or was not, of a nature to satisfy the demands of the English creditor. We can dispense with an examination of that question also; because, in whatever form the deposit was originally made, it has been now converted, by regular fiscal operations, into effective cash; and in that form exists, and in that form will be readily received by Mr. McDermot. The documents which certify the real nature of the deposit can neither be called in question nor set aside by the council; nor is there any necessity of a judicial investigation to establish the authenticity or validity of them. Upon those grounds, therefore, I renew my demand, in every aspect of it so just, that your Excellency would lay this case ministerially before the King, and procure his order for the immediate repayment of the deposit existing in his treasury.

Petition of Mrs. Meade, and papers communicated by her in relation to Richard W. Meade.

PHILADELPHIA, Dec. 4, 1817.

To his Excellency the President of the United States the following case is respectfully submitted:

Richard W. Meade was born in Chester county, in Pennsylvania, in June, 1778. He went to Spain in 1803, to claim restitution of property detained at Buenos Ayres; in which claim he was unsuccessful. He then established a commercial house at Cadiz, where he has ever since resided in the character of an American citizen, and having held, from 1806 till the present year, the station of navy agent of the United States for the port of Cadiz. Mr. Meade has a wife (the undersigned) and nine children, now residing in Philadelphia.

In their late struggles, he rendered essential services to the people of Spain, as repeatedly and publicly acknowledged. In 1812, being in actual advance to the Government of Spain to the amount of near eight hundred thousand dollars, and being satisfied that the Treasurer General, Don Victor Soret, was using the funds which by contract had been appropriated to repay that advance, he appealed to the Regency against the conduct of the Treasurer; and, receiving no satisfaction, published a pamphlet containing a statement of his contracts with the Government, and its injustice towards him; in consequence of which publication he was imprisoned for three months, and then released on bail. On an appeal to the Cortes, Mr. Meade obtained an order for the payment of his advances, which order has been but partially complied with, and that under enormous sacrifices, amounting, in many instances, to one-third of the capital, besides several years' interest, for which no allowance has ever been made. Mr. Meade also appealed to the Cortes against the unjust proceedings of the Regency in imprisoning him; the Cortes reported the proceedings as illegal and unjust, and decreed the Constitutional penalties against the Minister who gave, and the judge who executed, the order. The dismissal of the Regency by the Cortes, and the subsequent dissolution of the Cortes itself, on the arrival of King Ferdinand, prevented the report of the Cortes against the Regency being acted on; and the affair being revived by the Supreme Council of War, composed of men subservient to the old Regency, (who are now all in high offices round the Court,) it was lately decreed that Mr. Meade should pay a fine of two thousand ducats for the publication, which they termed a libel on the late regents.

It is to be understood that the affair above related, of the imprisonment in 1812, is altogether distinct from the present confinement of Mr. Meade and its causes, though often erroneously blended with it; it will clearly appear, however, that the rancor produced by the event related has operated with many now in power in stimulating the present persecution, the circumstances leading to which are as follows:

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In 1811, Mr. Meade was appointed assignee to the estate of James W. Glass, of Cadiz, declared bankrupt in England, in consequence of his connexion with the house of Hunter, Rainy, and Co., of London, against whom a commission of bankruptcy had issued; the appointment of Mr. Meade was made by the tribunal of commerce of Cadiz, with the approbation of all the creditors in Cadiz, and was confirmed by the assignees in London—the tribunal of commerce having cognizance of all commercial affairs in Spain, and all persons carrying on trade there (even foreigners) being amenable thereto. Mr. Meade gave bonds, accordingly, to take charge of the estate, and to be responsible solely to the tribunal for the proceeds; being prohibited, under the penalty of the bonds, from disposing of the funds without the sanction of the tribunal.

Having settled the affairs of the estate, and paid all demands thereon, there remained in his hands about fifty-two thousand dollars, which he several times petitioned the tribunal to be permitted to remit to the assignees in London. The delays attending all Spanish proceedings prevented the petitions being acted upon, until Mr. Duncan Hunter, one of the principals of the bankrupt house, was sent to Cadiz; and when on the eve of getting the business settled, Mr. Glass, (escaping from his bail in England,) appeared also in Cadiz, and laid an embargo on the funds, under the pretence of having been illegally included in the bankruptcy. John McDermot was appointed as the agent of Hunter, and Mr. Meade offered to pay to Hunter or McDermot the amount in his hands, on their giving bonds satisfactory to the tribunal of commerce, in lieu of his own. Those persons not being able to procure such sureties as the tribunal would accept, that body suddenly, and of its own accord, decreed that Mr. Meade should, on the following morning, place the money in the King's treasury, until McDermot or Hunter should give the security required; it being declared that all Mr. Meade's property should be embargoed in case of non-payment at the time limited. In pursuance of the said order, Mr. Meade made the deposit on the following morning, and presented to the tribunal the receipt in which the treasurer acknowledged to have received the sum in question by order of the tribunal, to be held subject to the future disposition of that body. A question having been made, at the instigation of Mr. McDermot, whether the sum had been paid into the treasury in specie, or treasury notes, the intendant answered, to the official inquiry of the tribunal, that "the deposit had been made in due form under his inspection, in effective specie; and that whenever the tribunal should order its payment, His Majesty would pay it in the same coin."

Notwithstanding this, a suit was brought against Mr. Meade by McDermot; and the tribunal, aware that it had done wrong in ordering the deposit, decided that Mr. Meade should pay the money a second time! An appeal was entered from this decree to the superior tribunal, called *alcaldes*, (Mr. Meade having a right to

that appeal by the seventh and twentieth articles of the Treaty between the United States and Spain.) While the cause was there pending, the plaintiff (through the English Minister) procured an order for the removal of the case to the council of war at Madrid, where the sentence was confirmed. Mr. Meade had a right of appeal, but was refused. He petitioned the King, who commanded that he should be heard by the same court; but as Mr. Meade conceived the judges to have evinced a partiality in the case, at Mr. Meade's request, five new judges were added to the five of which the court was before composed. In this state of the case, McDermot presented a petition, stating that Mr. Meade was about to leave Spain, and praying that he should be compelled to pay the money or be put into confinement; and the order was accordingly granted (through the influence of the British Minister) by the five primitive judges, though the King had expressly decreed that no measure should be taken in the case of Mr. Meade but with the presence of the new judges. On the 2d of May, 1816, Mr. Meade was seized and imprisoned in the castle of Sta. Catalina, at Cadiz, confined in a dungeon with a sentinel at the door, and for several months locked up at night.

The Minister of the United States, Mr. Erving, has made strong remonstrances to the Spanish Government against these unjust and cruel persecutions of an American citizen; those remonstrances have drawn from the King an order to the council to despatch Mr. Meade's case; but there is at the same time strong reason to believe that while such an order is given to amuse the American Minister, a secret order is given to delay the decision, as the present state of the Treasury would render the payment of the money inconvenient, it being apparent that the money must be paid on the liberation of Mr. Meade.

For corroboration of the principal facts of the foregoing statement, and particularly those respecting the deposit, and the circumstances under which it was made, the President is referred to the documents herewith sent, (Nos. 1 to 7.) Copies of those relating to Mr. Erving's correspondence with the Spanish Government have also been transmitted to the Department of State at Washington.

The undersigned, in making this appeal to the President, will not presume to add a single comment, but must await the result in trembling anxiety. She cannot, however, avoid respectfully intimating a hope that, if kindly disposed to act efficiently in a case so interesting to Mr. Meade and his family, the President will adopt some other means of attaining his purpose than through the agency of Mr. Erving; it being now perfectly ascertained that the representations of that gentleman to the Spanish Government, on Mr. Meade's case, are not received with that respect, or attended to with that promptness and desire of accommodation, due to their justice, to his station and conduct, or to the character of the country he represents. On the contrary, his communications have been treated with marked

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disregard, or answered by trifling equivocations, insomuch as to render his exertions, however well intended and spirited, utterly useless.

MARGARET MEADE,
Wife of Richard W. Meade.

Copy of an official letter addressed by Don Victor Soret, Treasurer General of Spain for the year 1817, to the Treasurer of the Revenue or Provincial Rents of Cadiz.

MADRID, April 22, 1817.

By return of post, without fail, you will please state if the deposit exists, as yet, which R. Meade made on the 19th February, 1814, of 1,050,327 reals and 20 maravedis, in virtue of a sentence of the royal tribunal of the consulado of the day prior thereto. God preserve you many years.

VICTOR SORET.

[ANSWER.]

CADIZ, April 29, 1817.

In the moment that I received your official letter of the 22d of the present month, relative to the deposit of R. Meade, I sent a copy of said letter to the Administrator General of the Revenue of the Province, on the 28th of the same month, in consequence of all the archives corresponding to the year in which the said deposit was made existing in his department and under his control; and under this date he answered me as follows:

"GENERAL ADMINISTRATION OF THE
RENTS OF THE PROVINCE.

"By the archives of judicial deposits, and corresponding to the year 1814, which exist in this Administration, it appears unquestionably that R. Meade deposited, on the 19th February of said year, in virtue of a sentence of the royal tribunal of the consulado of the day before, the sum of 1,050,327 reals of vellon and 20 maravedis; and that no sum has ever been returned, to the present day, on account of said deposit, which I beg leave to state in answer to your official letter of yesterday, in which you transmit me a copy of the letter received by you from the Treasurer General of the 22d of this month.

"God preseeve you many years.

"ANTONIA YSARBE."

and which I therefore beg leave to transcribe to you, as an answer to your official letter.

God preserve you many years.

B. ELERS, *Treasurer of Cadiz.*

CADIZ, April 29, 1817.

An exact copy. R. W. MEADE.

[Correspondence referred to by Mr. Erving, in his letter of the 14th March.]

Copy of an official letter addressed by Don Julian Fernandez Navarrete, Treasurer General of Spain for the year 1816, to the Prior and Consuls of the Royal Tribunal of Commerce of Cadiz, and their answer.

MADRID, November 19, 1816.

In order to answer with due or correct knowledge a certain information or request which has

been demanded of me by my superiors, with the least possible delay, you will be pleased to inform me, as early as possible, whether, by order of your tribunal, R. Meade made a deposit in the treasury of royal finances, or in that of the revenue? of what amount said deposit was? if it exists at present? and whether there is any impediment to returning the same to him?

God preserve you many years.

J. F. NAVARRETE.

An exact copy.

R. W. MEADE.

[REPLY.]

CADIZ, November 29, 1816.

Under date of the 19th instant, you were pleased to say to this royal tribunal, that, in order to answer certain information which had been demanded by your superiors, this tribunal should state whether it was true that, by its order, R. Meade had made any deposit in the royal treasury of finance, or that of the revenue? of what amount it consisted? if it existed at present? and if there was any impediment to its being returned to him?

In reply to these questions the Consulado begs leave to state that, at the suit of John McDermot, who claimed from R. Meade, for balance of accounts, the sum of 1,050,327 reals of vellon and 16 maravedis: In the course of the proceedings, this tribunal gave its sentence, commanding R. Meade to deposit the aforesaid sum in the royal treasury of the revenue; and this was done in treasury notes of effective cash, which said Meade had to receive from said department; and the deposit was thus made, the treasurer obliging himself to hold the amount at the disposition of this tribunal. The sum deposited subsists; and though McDermot afterwards pretended that R. Meade should deliver him said sum, without regard to the deposit, it did not take place, on account of R. Meade having appealed. The said Meade applied to His Majesty, and, through the minister of finance, there was issued a royal order, dated 10th August 1815, in which it was commanded, that, in the mean time, that funds could be collected wherewith to return the aforesaid deposit, this tribunal should suspend its proceedings. This tribunal consulted the supreme council of war on this point, and, in virtue of a despatch, (of which the adjoined is the literal copy,) they submitted the *auto* or proceedings to the supreme council, as commanded by said royal order. The supreme council makes merit of the same in the aforesaid document; and it is the strongest proof that the deposit exists at the disposition of this tribunal, from the circumstance of the *auto* or suit being still pending in the appeal before the supreme council. This tribunal cannot resolve to whom the sum so deposited is to be returned; and, whilst the suit is dependent upon the appeal, this tribunal cannot regulate its sentence or proceedings.

MIGUEL DE MARRON.

NICHOLAS BLANCO.

An exact copy.

R. W. MEADE.

Imprisonment of R. W. Meade.

Mr. Erving to His Excellency Don José Pizarro, First Secretary of State.

MADRID, June 29, 1817.

SIR: My last note to you on the case of R. W. Meade, was on the 9th May; that representation induced your Excellency to repeat His Majesty's orders to the council of war, to the end that it might forthwith evacuate the consulta, which has been so long demanded from it. It was to be expected, in a case of this urgency, where the liberty, fortune, health, and domestic happiness of an innocent man had been wantonly sacrificed, that the tribunal would have hastened to repair the errors which it had fallen into, more particularly as, in the name of my Government, I had demanded the liberty of this individual. It was not, however, till the 26th May that the fiscal's *dictamen* was given; that document, after a vain attempt to justify the anterior proceeding complained of, concluded in these words*: "Pero en el dice quando existe el deposito como si fuese dinero efectivo segun expone el Tesorero General y quando el Consulado asegura que preceptuó á Meade verificase el deposito en tesorería de rentas, parece que habiendo cumplido con ambos extremos no debe continuar por mas tiempo su arresto."

The conclusion which the fiscal has thus arrived at, and the facts on which he has founded it, were as true twelve months ago as they are now. In fine, here is a confession of the fiscal himself, according to which there is no ground for continuing the imprisonment of Mr. Meade a single moment; but though the *dictamen* was given on the 26th of May, Mr. Meade has not been released. I therefore pray that your Excellency would be pleased to order that the council act in conformity to it, without the least delay.

I renew to your Excellency assurances of my most distinguished consideration, &c.

GEORGE W. ERVING.

The Secretary of State to Don Luis de Onís, Envoy Extraordinary and Minister Plenipotentiary from Spain.

WASHINGTON, December 26, 1817.

SIR: I am directed by the President of the United States to invite your immediate attention, and to urge that of your Government, to the case of Richard W. Meade, a citizen of the United States, who has been confined since the 2d of May, 1816, in the prison of Santa Catalina, at Cadiz.

It has been repeatedly represented to your Government, by the Minister of the United States at Madrid, that the imprisonment of this person was under a sentence of a tribunal at

Cadiz, condemning him to pay a second time a sum of money which, by virtue of a prior decree of the same tribunal, he had already paid into the royal treasury. This fact has never been denied or contested by your Government. It has been proved to them by the attestations and certificates of their own officers.

It was to have been presumed that, upon the first moment that such a fact was authentically presented to your Government, an order would instantly have issued from it for the discharge of Mr. Meade from his imprisonment. The President regrets that, after so many and such urgent representations in his behalf, by the Minister of the United States at Madrid, it should yet be necessary to address this call upon the most common principle of justice to you. I am instructed by him to say that, in renewing this demand for Mr. Meade's immediate liberation, he confidently expects it will not be in vain.

I pray you, sir, to accept, &c.

J. Q. ADAMS.

The Chevalier Don Luis de Onís to the Secretary of State.

WASHINGTON, December 29, 1811.

SIR: I have received your note dated the 26th of this month, in which, by order of the President, you communicate to me what appears to have taken place in Spain, in the case of a lawsuit against Richard W. Meade, a citizen of these States, in order that I should make the necessary representations on this subject to the King, my master, and solicit his release from confinement.

In compliance with the wishes of the President, and yours, sir, I shall, with great pleasure, make this request in favor of Mr. Meade, although I am not informed of the details of the suit instituted against him, nor of those which have produced his confinement.

Confiding in the just intentions of the King, and his high consideration for the United States, I must hope that His Majesty will attend efficaciously to this request, and so use his authority in having justice promptly done to Mr. Meade, that the laws may be observed with the strictest impartiality, and no motive or pretext whatever left to doubt of the immaculate (*acendrada*) purity which has ever been acknowledged as the particular attribute of the Spanish magistracy.

I renew my respects to you, sir, and pray God to preserve you many years.

LUIS DE ONIS.

[The following reports, on the same subject, were made the 24th of March, and 4th of April, 1818.]

IN SENATE OF THE UNITED STATES,
March 24, 1818.

The Committee of the Senate on Foreign Relations, to whom was referred the petition of sundry citizens of Philadelphia, asking the interposition of Congress in behalf of Richard W. Meade, an American citizen, unjustly and wan-

* "But, at present, while the deposit exists as if in effective money, as set forth by the Treasurer General, and while the Consulado declares that they ordered Meade to make that deposit in the provincial treasury, it appears that, having complied with both orders, his arrest and imprisonment should not be continued any longer."

Imprisonment of R. W. Meade.

tonly confined in a dungeon in Spain, by the authority of that Government, have given to the subject the deliberation its importance deserved, and beg leave to submit the following report:

It appears from the documents that R. W. Meade is an American citizen, who went to Spain in the year 1803 on lawful business; that, in the year 1806, such was the confidence of the Government in his integrity, that he was appointed navy agent for the United States at the port of Cadiz; a station which he held until the time of his confinement. Such was the correctness of his deportment, as to have been appointed by the tribunal of commerce at Cadiz, with the consent of all the parties concerned, assignee of a bankrupt, the amount of whose estate involved a high responsibility. He performed the duties thus devolved upon him honestly; and having collected for distribution fifty thousand dollars, he several times petitioned the tribunal to permit him to remit this sum to the creditors of the bankrupt resident in England; the only proper course left him to pursue, inasmuch as he had, when appointed agent of the bankrupt, given his bond to that tribunal conditioned to take charge of the effects of the bankrupt, and to be responsible solely to the tribunal for the proceeds, being prohibited under the penalty of the bonds from disposing of the funds without the sanction of the tribunal. A controversy having arisen between the creditors and bankrupt about the distribution, Meade offered the money to either, if they would give a bond, with sureties, to the satisfaction of the tribunal of commerce, by which his own might be cancelled. This they were unable to do. The tribunal, of its own accord, and unexpectedly, decided that Meade should, on the following morning, place the money in the King's treasury until the parties litigant should give the security required; it being declared that all Meade's property should be sequestered in the case of non-payment at the time limited. The money was forthwith paid by Meade into the treasury, in treasury notes equal to specie, and hence acknowledged by the Treasurer that the deposit had been made in due form, under his inspection, in effective specie; and that whenever the tribunal should order its payment, His Majesty would pay it in the same coin.

Notwithstanding this judgment, and the discharge thereof, by the payment aforesaid, Mr. McDermot, the agent for the British creditors, brought suit against Meade in the same court to recover the very sum he had heretofore paid in conformity to its own judgment. The court awarded judgment against Meade a second time for this money. The latter appealed to the superior tribunal, called *alzadas*. During its pendency, it is charged by Meade that the cause was removed, by the interposition of the British Minister, to the council of war; and by the same interposition his arrest and confinement were procured, from which he could be relieved only by a repayment of the money. He has languished in confinement from the 2d of May,

1816, down to the last accounts from Spain. The representative of this nation at that Court has repeatedly appealed to His Catholic Majesty for the relief of Meade, and the appeal has been in vain; the Court of Spain having refused either to restore the money deposited in its own treasury, by order of its own competent judicial authority, or to release the person of Meade from the long confinement to which he has been doomed. And, finally, the President of the United States, whose peculiar province it is to take cognizance of subjects of this kind, has caused a representation on the subject to be made to the Minister of Spain to the United States, demanding his immediate liberation. Nothing but a confidence that this representation will produce the desired result would have restrained your committee from recommending the adoption of measures of severe retribution.

Your committee are of opinion that it is due to the dignity of the United States to adopt, as a fundamental rule of its policy, the principle that one of its citizens, to whatever region of the earth his lawful business may carry him, and who demeans himself as becomes his character, is entitled to the protection of his Government, and that whatever intentional injury may be done him should be retaliated by the employment, if necessary, of the whole force of the nation.

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IN THE HOUSE OF REPRESENTATIVES,
April 4, 1818.

The committee to whom were referred a resolution of the 12th of February, and a memorial from a number of citizens of the United States, residing in the city of Philadelphia, relating to the imprisonment of Richard W. Meade, report:

That, upon an examination of the documents communicated to the House by the President, the following facts appear:

On the second day of May, 1816, Richard W. Meade, a native citizen of the United States, who has resided in Cadiz for some years past, was arrested and closely confined in the castle of St. Catalina, which is described by the Minister of the United States at the Court of Spain as a felon's prison. At the time of the arrest Mr. Meade was the navy agent of the United States at the port of Cadiz, and acted as consular agent, under an authority derived from Mr. Cathcart, the Consul of the United States at that place, and with the approbation of the Spanish authorities; Mr. Cathcart having appointed him to act in his stead, during his absence upon a visit he made to the United States. Mr. Meade does not appear to have ever renounced his character of a citizen of the United States, nor to have accepted from any foreign Power any right or privilege, nor to have contracted any obligation that could for a moment make his citizenship doubtful, or impair the claim he has upon his country for protection.

Soon after his confinement began, George W. Erving, Minister of the United States at the

Imprisonment of R. W. Meade.

Court of Spain, interposed to obtain his liberation, and from the 27th of August, 1816, to the 9th of May, 1817, made repeated and earnest applications to the public functionaries of Spain, claiming his release, as a citizen of the United States unjustly deprived of his liberty. It is chiefly from this correspondence, accompanying the Message of the President, that the committee have been able to obtain any knowledge of the causes that led to Mr. Meade's arrest and imprisonment.

Mr. Meade, it seems, had been regularly appointed assignee at Cadiz of the estate of James W. Glass, declared a bankrupt in England, and in that capacity, after faithfully executing his duty, there remained in his hands a sum of about \$52,000 belonging to the estate, which there is reason to believe was the subject of controversy between different claimants. There is no complaint or suggestion that Mr. Meade improperly retained this money in his hands, or was prevented from paying it over by any consideration but that of a just regard for his own security, which did not, under the then existing circumstances, permit him to part with the fund; and it seems that he could not under any circumstances pay the money, without the consent and direction of the Consulado of Cadiz.

In this state of things, on the 18th of February, 1814, the Consulado of Cadiz, a tribunal whose jurisdiction over the matter does not appear to be questioned, made a summary order, requiring Mr. Meade, within a limited and very short time, (about twenty-four hours,) to deposit the abovementioned sum of money in the treasury general of the province. With this order Mr. Meade complied on the following day. The fact of his compliance was vouched at the time by the usual and authentic evidence from the proper officer, and has since been satisfactorily established, in the manner that will hereafter appear.

The Consulado, by its own act, in taking the fund from the hands of Mr. Meade, and causing it to be deposited in the public treasury, would seem, upon every just principle, to have liberated him from further accountability. That tribunal, nevertheless, soon after entertained a new proceeding against Mr. Meade, at the instance of a certain John McDermot, the agent of Duncan Hunter, having for its object to compel him to pay to the Consulado the same amount which he had been previously ordered to pay, and, under their order, had already paid into the public treasury; that is, in substance, to pay the same sum a second time. The Consulado made a decree against him to that effect. From this decree Mr. Meade appealed to the superior tribunal of the province, called the *alzadas*, "but its interference was overruled by the tribunal of war at Madrid, and this latter confirmed the sentence of the Consulado at Cadiz."

On the 4th of August, 1815, a royal decree was issued, suspending the further proceedings of the Consulado against Mr. Meade, until funds

could be collected by the treasury to restore the deposit made by Mr. Meade.

From the date last mentioned, (4th of August, 1815,) it does not appear that any proceedings took place until the 2d of May, 1816, when the tribunal of war issued the order under which Mr. Meade was arrested and continues to be imprisoned.

This order was founded upon a suggestion made by McDermot, that Mr. Meade was about to leave the Kingdom, and required him to "deliver up the aforesaid deposit, (meaning the money belonging to the bankrupt's estate,) in like manner, and in the same specie, as he had received it, or to give full, clear, and sufficient security, to the satisfaction of the tribunal of commerce at Cadiz; and, in default thereof, to be removed to a public prison, to prevent all evasion of the sentence against him." It is understood that the tribunal would receive nothing as satisfactory security but a deposit of specie.

The proceeding of the tribunal of war is apparently so destitute of all foundation in justice, and so plainly contradictory to the royal decree of the 4th August, 1815, that it becomes necessary to examine, for a moment, the only suggestion bearing the semblance of a vindication of it that has been offered on the part of the Spanish authorities.

Don Pedro Cevallos, in his note to Mr. Erving of the 10th September, 1816, alleges "that Mr. Meade attempted to restore (alluding to the payment into the Treasury) the money demanded of him, in credits of the Treasury." The precise import of this allegation may be understood to be, that Mr. Meade had made the deposit in Government paper, instead of making it in specie.

That Mr. Meade made the deposit in what was equivalent to specie, and was received as such by the officer authorized to receive it, is perfectly clear. The Intendant of the Treasury gave him a receipt for the deposit, made pursuant to the order of the Consulado. In answer to an inquiry soon after directed by the Consulado, the same officer replied, that the deposit had been made in effective specie, and that he would respond for the specie. The royal order, or decree, of the 4th August, 1815, is founded upon the admission of the same fact. But there is still further evidence, though further evidence would seem to be unnecessary. In November, 1816, the Treasurer General of Spain distinctly put the questions to the Consulado, whether the deposit had been made? whether it still existed? and whether there was any impediment to its return? That tribunal, with equal distinctness, replied, that the deposit was made, pursuant to their order, "in Treasury notes of effective cash, which said Meade had to receive from said Department, and the deposit was thus made: the Treasurer obliging himself to hold the amount at the disposition of this tribunal." They state, also, that the deposit still exists at their disposition, and that they cannot resolve to whom it is to be returned. And, again, on the 29th April, 1817, the treasurer of the revenue, or provincial rents of Cadiz,

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states explicitly to the Treasurer General of Spain, that the deposit had been made, and had not been returned.

With such an accumulation of evidence from sources of unquestionable authenticity, and wholly uncontradicted, to show that the deposit had been made in what was equivalent to specie, and received as specie, and that the Treasury became, and acknowledged itself to be, answerable for the amount, it is almost superfluous to add a remark, which the course of the business very naturally presents, tending to the same result. If the order made by the Consulado in the first instance had not been complied with, that tribunal would have proceeded to enforce its authority by summary and direct compulsion; in other words, it would have used the means with which it is invested by law to compel Mr. Meade to do exactly what that order required. This would have produced an immediate inquiry whether he had or had not complied, and would have enabled Mr. Meade to justify himself. The resort to an irregular and arbitrary course, which avoids that question, affords the strongest reason to believe that the allegation of Mr. Cevallos was known to be untenable. In fact, that allegation has since been wholly abandoned; for, in the three notes subsequently addressed to Mr. Erving, in reply to his urgent remonstrances, one by Mr. Cevallos, and two by his successor, Mr. Pizarro, it is not even alluded to.

It is impossible, however, to avoid remarking the extraordinary character of one of the questions put to the Consulado in November, 1816, and the still more extraordinary character of the answer. The inquiry alluded to was, whether there was any impediment to its (the deposit) being returned? The answer is, that, from the circumstances of the suit still pending, this tribunal cannot resolve to whom the sum so deposited is to be returned. Why Mr. Meade should be imprisoned pending that suit, which was to determine to whom the money in the Treasury was to be paid, is a question that seems to admit of no answer that is reconcilable with common justice, more especially as the same document implies that the Treasury was to pay the money as soon as the suit should be decided, and, of course, the object of the suit was not to coerce Mr. Meade to pay, but simply to determine who was to have the money from the Treasury.

There is still another view of this matter which the committee think it proper to submit, and which they deem of itself decisive to establish the flagrant injustice of Mr. Meade's imprisonment. If the deposit was made in paper, it is beyond a doubt that the paper was the evidence of a debt due from the Treasury to Mr. Meade, and the receipt of it amounted to nothing more than a payment of what was justly due to him; in fact, it was the same thing as if the Treasury had paid him the money, and he had immediately after repaid the same money to the Treasury. The Treasury, therefore, had no just cause to complain. It is equally evident that the individual interested in the deposit (Mr. McDer-

mot, or his constituent) had no reason to complain. Whether the deposit was made in specie, or in what was equivalent to specie, or how it was made, could not be material to him, provided it was so made as to give him a right to call upon the Treasury; that is, to make him a creditor of the Treasury for the amount, in case of an eventual decision in his favor. That this was the effect of the deposit made by Mr. Meade, and received by the Treasurer, is not, and cannot be disputed. The Treasurer cancelled the securities deposited, and engaged to respond for the amount in specie.

If the Treasury of Spain had been ready and willing to fulfil this engagement, Mr. Meade's imprisonment could not have continued for a single moment; and it is, therefore, evident that he is kept in confinement simply because it is not convenient for the treasury to pay the money. And your committee are well assured that the Government of Spain, aware that, let the decision be what it might, the royal treasury would be called on to pay money in dispute, has, by a secret exertion of the authority which it possesses over the proceedings of the tribunals, commanded "the business to be prolonged as much as possible."

In every point of view, then, in which the case can be considered, your committee can discover no justification for the imprisonment and sufferings of Mr. Meade. It does not appear that he has violated any civil or social duty which he owed by the laws of Spain, and for which, in the ordinary administration of justice, he might rightly be imprisoned. They are satisfied, too, that the continuance of his imprisonment is dependent upon the pleasure of the Government of Spain, and that his liberation may at any time be effected by that Government.

Your committee hope and believe that the demand made by the President will not be unavailing, but they think it proper, at the same time, on the part of this House, to give assurance of support in the measures that may become necessary, in case this expectation should be disappointed. They, therefore, submit the following resolution:

Resolved, That the House is satisfied that the imprisonment of Richard W. Meade is an act of cruel and unjustifiable oppression: that it is the right and duty of the Government of the United States to afford to Mr. Meade its aid and protection; and that this House will support and maintain such measures as the President may hereafter adopt to obtain the release of the said R. W. Meade from confinement, should such measures be proper and necessary.

SPAIN—BLOCKADES.

[Communicated to the House, February 17, 1818.]
To the House of Representatives of the United States:
 Conformably with a resolution of the House of Representatives of the 6th of this month, I now

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lay before that House a report received from the Secretary of State, with a copy of the correspondence referred to, and requested by that resolution.

JAMES MONROE.

FEBRUARY 12, 1818.

DEPARTMENT OF STATE, Feb. 12, 1818.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 6th of this month, requesting the President to cause to be laid before that House the correspondence with the Government of Spain, to which a letter of the Minister of the United States at the Court of Madrid, of the 25th of October, 1816, communicated with a late message of the President to that House, relates, has the honor, herewith, to submit to the President a copy of the correspondence requested.

JOHN QUINCY ADAMS.

The Chevalier Don Louis de Onís to the Secretary of State.

PHILADELPHIA, September 5, 1815.

SIR: Under the date of 30th June, I am advised by Lieutenant General Don Pablo Morillo, Captain General of Caraccas, and commander of the expedition which His Majesty has destined to re-establish tranquillity at Carthagena, that, with a view to accelerate this important object, he is about to establish the most rigorous blockade of the ports of the viceroyalty of Santa Fe, including Carthagena, and that, in consequence, every neutral vessel which shall be found, not only in those ports, but on those coasts, shall be made prize of, in order to prevent those who have revolted from His Majesty's authority receiving succors of any kind.

I have thought it proper to communicate this to you, for the information of the President, that the injuries may be avoided which would result to the citizens of this Republic, if they continue, as heretofore, to trade with the rebels against the authority of my sovereign.

I renew to you, &c.

LUIS DE ONIS.

Don Luis de Onís to the Secretary of State.

PHILADELPHIA, March 2, 1816.

SIR: Don Pablo Morillo, Commander-in-Chief of the forces destined by the King, my master, for the pacification of the viceroyalty of Santa Fe, says to me, under date of the 19th of December last, that, after having compelled Carthagena to surrender at discretion, he had found it expedient, for the complete re-establishment of the tranquillity of the viceroyalty, to continue the blockade from Santa Marta to the river Atrato, inclusive; and to give orders that if any vessel be met with further south than the mouths of the Magdalena, or further north than the parallel of Cape Tiburon, on the Mosquito shore, and between the meridians of those points, she would

be declared a good prize, whatever documents or destination she might have; but that he had left open to the commerce of neutrals the two ports of Santa Marta and Porto Bello.

I have the honor to give you this notice, as it may be interesting to the merchants of the United States, and to renew the assurances, &c.

LUIS DE ONIS.

Mr. Monroe, Secretary of State, to the Chevalier de Onís, Envoy Extraordinary and Minister Plenipotentiary, &c.

MARCH 20, 1816.

SIR: I have had the honor to receive your letter of March 2, announcing the continuance of a blockade of the Spanish coast in South America, from Santa Marta to the river Atrato, inclusive of the latter, by the Commander-in-Chief of His Catholic Majesty's forces; and that if any vessel is met south of the mouths of the Magdalena, or north of the parallel of Cape Tiburon, on the Mosquito coast, and between the meridian of those points, she shall be seized and condemned as prize, whatever may be her documents or destination. You state, also, that the ports of Santa Marta and Porto Bello are left open to neutrals.

I have to state that this proclamation of General Morillo is evidently repugnant to the law of nations, for several reasons, particularly the following: that it declares a coast of several hundred miles to be in a state of blockade; and because it authorizes the seizure of neutral vessels at an unjustifiable distance from the coast. No maxim of the law of nations is better established than that a blockade shall be confined to particular ports, and that an adequate force shall be stationed at each to support it. The force shall be stationary, and not a cruising squadron, and placed so near the entrance of the harbor or mouth of the river as to make it evidently dangerous for a vessel to enter. I have to add, that a vessel entering the port ought not to be seized, except in returning to it after being warned off by the blockading squadron stationed near it.

I am instructed by the President to state to you these objections to the blockade which has been announced in your letter, that you may communicate them to your Government, and in confidence that you will, in the mean time, interpose your good offices, and prevail on General Morillo to alter his proclamation, and practice under it, in such a manner as to conform, in both respects, to the law of nations.

In stating to you these well-founded objections to the blockade of General Morillo, I have the honor to observe that your motive for communicating it is duly appreciated.

I have the honor to be, &c.

JAMES MONROE.

Don Luis de Onís to the Secretary of State.

PHILADELPHIA, March 25, 1816.

SIR: I have received your official letter of the 20th of this month, in which you state that the

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proclamation of General Morillo is repugnant to the laws of nations, as well because it declares a coast of several hundred miles in a state of blockade, authorizing the capture of every neutral vessel at an unlimited distance from the coast, as that it is an established maxim among nations that a blockade should be limited to the ports where there may be a stationary and not a cruising force sufficient to make the entrance of the harbor or river where it may be placed dangerous; and, finally, even in this case, a vessel ought not to be captured when she is about to enter a port, save only when, after having received notice of the blockade, she attempts to infringe it. You are pleased to state to me that the President desires that I will communicate these observations to my Government, and that I would use my good offices, confidentially, with General Morillo, so to modify his blockade as to make it conform to the laws of nations.

I will communicate to His Majesty, in compliance with the wishes of the President, what you have stated to me in your note; and I will, with pleasure, avail myself of the departure of Mr. Hughes to write to General Morillo, inviting him, in the execution of his blockade, to avoid the injurious effects resulting therefrom to the citizens of this Republic, so far as may be compatible with the security and tranquillity of His Majesty's dominions under his command.

I must, however, observe to you, sir, that General Morillo has a naval force disposable and competent, as I conceive, to the object in view; that, on the 3d of February, there sailed from Cadiz a squadron of a ship-of-the-line, two frigates, and several smaller vessels, as a reinforcement; that, on the coast intended to be blockaded by the said General, there are no other ports of entry for merchant vessels than those of Carthagena, Santa Marta, and Porto Bello; and, finally, that the measure taken by him, not being directed against an enemy's country, is not, as stated in your esteemed note, contrary to the laws of public rights. The object of the General's proclamation is to notify the traders of foreign nations that he will maintain the laws for the regulation of the Indies in their full force; the observance of which had been relaxed, in latter times, by the effect of circumstances, though modified, however, in favor of neutrals, by leaving two ports open to their commerce. You are aware that, agreeably to those laws, no foreign vessel was allowed to trade with the dominions of His Majesty on that continent, without a special license, and that vessels found near, or evidently shaping a course towards them, were liable to confiscation as interlopers. Not only that part of the coast lying between Santa Marta and the river Atrato, but the whole coast eastward and southward of those points, from the Oronoco to the territory of this Republic, belongs to the Spanish monarchy; and, consequently, any vessel whatever found near it, or standing towards it, can have no other object than to carry on smuggling, or stir up a civil war in the King's dominions: in either case, the laws of nations recommend the seizure of the vessels so

employed. Actuated by a constant desire to prevent the misfortunes which such injuries might occasion to the citizens of this Republic, I have, on other occasions, suggested a very simple mode of putting an end to them, namely, that the President would be pleased to issue orders that no vessel should be cleared at the custom-houses save for a specified port, according to the general practice of nations. The practice of clearing many vessels for the West Indies, generally, carries with it a suspicion of a design to carry on a contraband trade, or to disturb the public tranquillity in the dominions of the King, my master; and, therefore, the owner who clears out his vessel in this way, and without the certificates of the Spanish Consuls, cannot complain if it be detained as suspicious. In fact, what difficulty can a merchant, acting fairly, have to specify the port of Havana, Kingston, Santa Marta, Guaira, Porto Bello, Rio Janeiro, or any other of an independent nation? None, unquestionably; since, in case of not finding a good market at one place, he proceeds to another, with a declaration made at the port he touched at of the motives which obliged him to alter his destination. The wisdom and humanity which eminently distinguish the President and the Administration cannot fail to perceive the solidity of these observations, nor to approve of the policy of His Majesty in taking the most suitable and effectual measures to secure his subjects from the civil war which a number of adventurers are endeavoring to kindle in his dominions; and I therefore flatter myself that he will be pleased to take into consideration the expediency of adopting the measure I have had the honor to suggest to you, by preventing the collectors of the customs from clearing out vessels, except for specified ports, and notifying merchants trading with the possessions of the King to conform to the established rules and orders, regulating not only neutrals but Spanish vessels also, that they may avoid the consequences of their non-observance, notwithstanding His Majesty's desire to afford them, within his dominions, all the benefits and advantages compatible with the public safety and his royal interests.

I hope that the explanation which I have thus taken the liberty to make, until I have received the answer of the King, my master, will quiet the anxiety of the President as to the proclamation of General Morillo, and that it will be viewed by him as a continuation of my earnest desire to reinstate the commerce of the two nations, reciprocally, on the most liberal and favorable footing.

I renew my respects, &c.

LUIS DE ONIS.

Extract of a letter from the Secretary of State to Mr. Erving, dated

DEPARTMENT OF STATE, July 20, 1816.

You have been apprized already of a similar measure which was taken in regard to the vessels which had been seized at Carthagena, and the citizens of the United States, who, under various pretexts, had been arrested and imprisoned

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there. I have the pleasure to state that the application succeeded as to our citizens, though it failed as to the vessels. You will interpose directly with the Spanish Government in favor of the latter; documents respecting which shall be forwarded to you, either by the present or some other early opportunity.

*Mr. Erving to His Excellency Don Pedro Cevallos,
First Minister of State, &c.*

MADRID, Sept. 26, 1816.

SIR: I am ordered by my Government to apply to His Majesty, through your Excellency, for the restitution of sundry American vessels and cargoes which have been seized and brought into Carthagea, or other places within that command or viceroyalty, under pretext of a pretended blockade, issued by Don Pablo Morillo, in December, 1815.

When that blockade was communicated to the American Government, Mr. Monroe, Secretary of State, in a note of March 20, 1816, addressed to His Majesty's Minister at Washington, formally protested against it; and it was hoped that, on proper representations being made by that Minister to General Morillo, he would retract his measure, or, if not, that his Majesty, being made acquainted with the remonstrance of the American Government, would immediately send out orders which might produce the same effect, and assure for the future due liberty to the American commerce in those seas.

But it now appears that, as late as the month of June, no alteration had taken place in the measures of Morillo; no attention had been paid to the interference of Don Luis de Onis; and, finally, the Commissioner, Mr. Hughes, who was sent by the Government of the United States to Carthagea, for the purpose, amongst others, of reclaiming the property seized, was obliged to return to the United States, on that point altogether unsatisfied. Indeed, the Viceroy of Santa Fe, Don Francisco de Montalvo, gives this Commissioner to understand, by a letter of June 9th, whereof the enclosed is a translated copy, that he (the Viceroy) does not pretend to be acquainted with the law of nations; and, at the same time that he goes on executing the arbitrary and illegal decrees of General Morillo, devastating the commerce of the United States, he refers the American Government to His Majesty for redress.

It is therefore that I now find it necessary to write to your Excellency upon this disagreeable subject.

It is in vain, sir, to hope that the United States will ever consent to blockades upon the principles of General Morillo; they will acknowledge none to be valid which are not strictly conformable to the well-known principles of public law—principles most clearly defined and quite indisputable, to which the United States have always adhered in their own practice, and to the infringement of which, in any form, in any degree, or

under whatever pretext, they have always opposed themselves.

The blockade of General Morillo is repugnant to the law, because it extends over several hundred miles of coast, and to an indefinite distance from the shores; of course it cannot be enforced as a blockade, but remains a bare pretext for spoliation. A blockade by sea, to be acknowledged as valid by the United States, must be confined to particular ports, each having a force stationed before it, sufficient to intercept the entry of vessels; and no vessel shall be seized, even in attempting to enter a port so blockaded, till she has been previously warned away from that port.

I may be excused from dilating on rules so perfectly established, so consonant to justice and to reason, in writing to a person of your Excellency's knowledge and experience.

His Majesty, who does not fail, through his Minister, Mr. Onis, to assure the United States of his constant disposition to cultivate relations of friendship with them, and to that end to satisfy all their just reclamations, will certainly be sensible to the violent proceedings of which my Government now complains, and, I persuade myself, will not hesitate in ordering that the proclamation of embargo issued by General Morillo be declared null, and that all the American property which may have been taken under it be immediately restored to its owners.

In this confidence, I annex hereto a list of the vessels already known to have been captured.

Renewing to your Excellency, &c.

GEORGE W. ERVING.

Schooner Adeline, of Baltimore, at Carthagea; Friend's Hope, of Baltimore, at Carthagea; schooner Count, of Baltimore, at Carthagea; Charles Stewart, of New Orleans, at Santa Marta; Edward Graham, at Santa Margarita; Ghent, of Norfolk, at Puerto Cavello.

N. B. It is believed that the cargoes of several of these vessels have been confiscated without even the form of trial.

*Don Pedro Cevallos to George W. Erving, Minister
Plenipotentiary of the United States.*

OCTOBER 17, 1816.

SIR: Having communicated to the King your note of the 26th ultimo on the subject of the seizure of several American vessel in the port of Carthagea, South America, in consequence of the blockade established on those coasts by General Morillo, and your demand of their restitution, His Majesty has been pleased to determine that information shall be requested (*se pida informe*) of the court of admiralty on this business.

I renew to you the assurances, &c.

PEDRO CEVALLOS.

Mr. Erving to Mr. Cevallos.

MADRID, October 25, 1816.

SIR: By your Excellency's note of the 17th instant, in reply to mine of September 26, respecting the proclamation blockade of General Mo-

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rillo, and the ravages on the American commerce which are committing under it, I am told that His Majesty has ordered that information shall be taken (*se pida informe*) of the tribunal of admiralty.

That General Morillo has issued such a proclamation as I have described in my note of September 26, is a fact of universal notoriety. Your Excellency has had before you, long since, the correspondence between the American Secretary of State and Mr. Onís on the subject, and I have transmitted to you a copy of the letter of Don Francisco Montalvo, Viceroy of Santa Fe, to the American Commissioner, Mr. Hughes, in which the existence of the blockade is admitted, and in which the American Government is referred for redress to His Catholic Majesty. It was, therefore, that, by the orders of my Government, I wrote to you on the subject. With the fact which I have above stated before you, I am wholly at a loss to imagine what kind of information the tribunal of admiralty can afford which may regulate the decision of His Majesty on the subject.

The tribunal cannot deny the existence of the proclamation; it cannot show that the proclamation is legal; it cannot deny that American vessels have been taken under the proclamation; it cannot contest the right of the American Government to demand the restitution of such vessels.

In fine, sir, it is my duty to assure you that any demur or delay in affording the satisfaction demanded, in a case of this principal importance, cannot but be very sensibly felt by the Government of the United States. I renew, &c.

GEORGE W. ERVING.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, December 15, 1816.

I had the honor, by my letter (of October 27,) to communicate to you the continuation of my correspondence with Mr. Cevallos on various subjects; and by that of October 31st, (No. 24,) to inform you that he had been dismissed from his employments, and succeeded in them by Don José Pizarro.

I herewith submit to you copies of my correspondence with this new Minister.

He has not replied to my note of the 25th October, respecting Morillo's blockade proclamation.

Don Luis de Onís to the Secretary of State.

PHILADELPHIA, October 26, 1816.

SIR: His Excellency the Viceroy of the Kingdom of New Granada communicates to me, under date of the 2d of September last, that tranquillity being restored throughout the whole Kingdom of Santa Fe, and all its provinces having submitted to his Majesty's Government, the commander-in-chief, Don Pablo Morillo, has thought fit to raise the blockade which he had established on those coasts, the causes having ceased which obliged him to impose it; and that, in consequence of this determination, the before-men-

tioned Viceroy has been pleased to open the provinces of that Kingdom, and particularly the port of Carthagena, to the commerce of the Powers in amity with His Majesty, under the regulations specified in the printed papers which I have the honor to transmit herewith.

I hope, sir, that you will be pleased to bring this to the knowledge of the President, that he may see the disposition of His Majesty to favor the commerce of this Republic in everything that may be compatible with the security of his dominions, and that comports with his interests.

I renew my respects, &c.

LUIS DE ONÍS.

Extract of a letter from Mr. Erving to the Secretary of State, dated

MADRID, March 10, 1817.

On this affair [proclamation of Morillo] I wrote on the 26th September, 1816, and was answered October 17th that an "*informe*" should be taken of the *almirantazgo*; I wrote again on the 25th October, and remain without any answer.

KINGDOM OF SICILY.

[Communicated to the House, March 2, 1818.]

To the House of Representatives of the United States.

I lay before the House a report from the Secretary of State, together with the papers relating to claims of merchants of the United States upon the Government of Naples, in conformity with a resolution of the House of the 30th of January last.

JAMES MONROE.

FEBRUARY 28, 1818.

DEPARTMENT OF STATE, Feb. 27, 1818.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 30th of January last, requesting such information possessed by the Executive, as may be communicated without injury to the public interest, relative to the claims of merchants of the United States for their property seized and confiscated under the authority of the King of Naples, has the honor of submitting to the President the papers in the possession of this Department concerning that subject.

JOHN Q. ADAMS.

Extracts of a letter from Mr. Monroe, Secretary of State, to Mr. Pinkney, Special Minister to Naples, dated

DEPARTMENT OF STATE, May 11, 1816.

Being appointed by the President, with the advice and consent of the Senate, Envoy Extraordinary and Minister Plenipotentiary to the Emperor of Russia, and in a similar trust to the King of Naples, the duties of the latter mission, which is special, will engage your attention in the first instance. The Washington, a ship-of-

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the line, is ordered into the Chesapeake to receive on board and to convey you and your family to Naples. You will be furnished with the usual commission and letter of credence to the King.

A principal object of your mission to Naples is to obtain indemnity for the losses which our citizens sustained by the illegal seizure and confiscation of their property by the Neapolitan Government. You will be furnished with such evidence in support of the claim as is in possession of this Department; and as notice has been given to the collectors in the principal cities of your appointment and its object, that it might be communicated to the parties interested, it is expected that you will receive much further light on the subject directly from them.

The President does not entertain a doubt of the right of the United States to a full indemnity for these losses. They were inflicted by the then Government of the country without the slightest cause. The commerce of the United States was invited into the Neapolitan ports by special decrees, with the promise of protection and encouragement; on the faith of which many ships having entered with valuable cargoes, the whole amount was seized by the Government itself, and converted to public use. For this very extraordinary and unlawful act no plea has been urged that we have heard of, except that of necessity, which is no argument against indemnity. The injury being inflicted by a Government in full possession of the sovereignty of the country, exercising all its powers, recognised by the nation and by foreign Powers, by treaties and by other formal acts of the highest authority, it is not perceived on what ground an indemnity can be refused. No principle is better established than that the nation is responsible for the acts of its Government, and that a change in the authority does not affect the obligation. In the disordered state of that country for several years past, it has been thought useless to press this claim; but now that affairs appear to be better settled, it would be improper longer to delay it. The President indulges a strong hope that reparation will now be made. In the discharge of this trust, in the manner of the negotiation, and in the provision for the debt, should such be made, you will manifest a spirit of conciliation towards the Government of Naples. Any reasonable accommodation as to the time and the mode of payment which may be desired will be cheerfully allowed.

As you will be well acquainted with the nature of these claims, and the right of the United States to an indemnity, with the principles on which it is founded, and the arguments and facts which support it, it is unnecessary for me to enter further into the subject. The President has full confidence that nothing will be wanting on your part to secure success to the mission. Satisfied that you will discharge its duties with equal ability and discretion, it is thought improper, by too much precision, to impose any restraint on your judgment, either as to the man-

ner or the argument to be used in the negotiation.

Your mission to Naples being special, its object limited, and being likewise anticipated by the Neapolitan Government, it is expected that it may be concluded in a few interviews. It is very important that the United States should be represented at St. Petersburg by a Minister of the highest grade employed by them, without any delay which can be avoided. The President desires, therefore, that you will use every effort in your power to terminate the business with Naples as soon as it may be possible, and that you will proceed thence, immediately afterwards, to St. Petersburg.

Extracts of a letter from Mr. Pinkney, Minister at Naples, to Mr. Monroe, Secretary of State, dated

NAPLES, August 29, 1816.

On Saturday, the 27th, I prepared an official note to the Marquis di Circello, announcing my quality of Envoy Extraordinary to the King.

His answer (appointing Wednesday, the 31st, for our interview) was sent immediately.

My reception on the 31st was extremely friendly, and in the highest degree respectful to the Government of the United States. The regular purpose of my visit was to show my credentials, furnish a copy, and arrange the customary audience. I did not, therefore, suppose that it presented a suitable opportunity for introducing a very detailed explanation of the objects of my mission; but, in conformity with a desire expressed by the Marquis himself, I stated them to him as fully as was necessary to enable him to communicate them to the King.

Although the Marquis di Circello was, as you know, for several years the Minister of this Court in London, he does not speak a word of English, and does not understand it when it is spoken by others. Our conversation was, therefore, in French. Amid a good deal of well-managed discourse on his part, which rather related to me than to my mission, he made several observations which had a bearing upon my principal errand. He spoke of the poverty of their public treasury in terms somewhat more strong than I was prepared to expect; of the unprincipled manner in which Monsieur Murat (as he styled him) appropriated to his own use whatever of value he could lay his hands upon, and, in particular, the vessels and merchandise belonging to our citizens; of the prodigality with which he dried up all the usual resources of the country, and dissipated, moreover, all the means which rapacity afforded. He drew no very precise conclusion from those and similar remarks, although I took such notice of them as their tendency prescribed; but, upon the whole, it was evident that the claim which I was charged to make in behalf of our merchants was not likely to be very readily admitted, and that I should only waste my time by talking over its merits from day to day with a Minister who could of himself decide nothing, and whose report of my statements and

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arguments to those who must make or greatly influence the final decision would not be the most advantageous channel by which they might be communicated. In consequence, before the interview was closed, I determined to prefer the claim as soon as possible in an official note, and in the meantime to forbear to urge it in conversation with any other view than to obtain from the Marquis di Circello such intimations as might be useful to me in the preparation of my paper.

On Sunday, the 11th, I had another interview with the Marquis di Circello, to which Mr. King accompanied me.

I then adverted to the principal object of my mission, and intimated that I should very soon send him a note upon it. To my surprise, he professed not to understand to what I alluded as the principal object of my mission; but, when I mentioned the spoiliations by Murat, he seemed suddenly to remember that I had at least talked to him of them before, and immediately, without giving me time to proceed, remarked that he would relate to me frankly all that the present Government had been able to discover respecting them. He said that Murat's conduct in that affair appeared to be so bad that nothing could be worse, and that it amounted to a downright robbery; that it appeared that the proceeds of the sales had been ordered by Murat into the public treasury, but that a few months afterwards he took them out again, and they knew not what he had done with them. To all this I thought it sufficient to answer, that, whatever might have become of these proceeds, I hoped the King would cause our merchants to be indemnified for the loss of them; but that I had no desire at this interview to do more than inform the Marquis di Circello that I believed it would be as well to present the whole of that subject to him without delay in a note, to which I flattered myself I should have such a reply, in writing, as would be satisfactory to my Government. Without either admitting or denying the responsibility of his Government, he said that such a course would be acceptable to him, and proper in itself, and that his answer should not be unnecessarily postponed. His manner, while this topic was under notice, was kind, and even good humored; although he could not, perhaps did not wish to disguise that it was by no means a pleasant one.

On the 28th instant (yesterday morning) I sent in my note upon Murat's confiscations. The necessity of making some previous inquiries here, upon matters connected with them, had a little retarded the completion of the note, and, after it was ready, I concluded that I should lose nothing by withholding it for a few days, especially as the Marquis di Circello was incapable of attending to business, and had so informed me.

What will be the answer to the note, it is impossible to conjecture with anything like certainty. It may be such as to make it necessary for me to reply to it; but the President may be assured that my further stay in Naples shall be as short as I can make it.

Mr. Pinkney to the Marquis di Circello.

NAPLES, August 24, 1816.

The undersigned, Envoy Extraordinary of the United States of America, has already had the honor to mention to his Excellency the Marquis di Circello, Secretary of State and Minister for Foreign Affairs of His Majesty the King of the Two Sicilies, the principal objects of his mission; and he now invites his Excellency's attention to a more detailed and formal exposition of one of those objects.

The undersigned is sure that the appeal which he is about to make to the well-known justice of His Sicilian Majesty, in the name and by the orders of his Government, will receive a deliberate and candid consideration; and that if it shall appear, as he trusts it will, to be recommended by those principles which it is the interest as well as the duty of all Governments to observe and maintain, the claim involved in it will be admitted, effectually and promptly.

The undersigned did but obey the instructions of the President of the United States when he assured his Excellency the Marquis di Circello, at their first interview, that his mission was suggested by such sentiments towards His Sicilian Majesty as could not fail to be approved by him. Those sentiments are apparent in the desire which the President has manifested, through the undersigned, that the commercial relations between the territories of His Majesty and those of the United States should be cherished by reciprocal arrangements, sought in the spirit of enlightened friendship, and with a sincere view to such equal advantages as it is fit for nations to derive from one another. The representations which the undersigned is commanded to make upon the subject of the present note will be seen by His Majesty in the same light. They show the firm reliance of the President upon the disposition of the Court of Naples impartially to discuss and ascertain, and faithfully to discharge its obligations towards foreign States and their citizens; a reliance which the undersigned partakes with his Government, and under the influence of which he proceeds to state the nature and grounds of the reclamation in question.

It cannot but be known to his excellency the Marquis di Circello, that, on the first of July, 1809, the Minister for Foreign Affairs of the then Government of Naples addressed to Frederick Degan, Esquire, then Consul of the United States, an official letter, containing an invitation to all American vessels, having on board the usual certificates of origin, and other regular papers, to come direct to Naples with their cargoes, and that the same Minister caused that invitation to be published in every possible mode, in order that it might come to the knowledge of those whom it concerned. It will not be questioned that the promise of security necessarily implied in this measure had every title, in the actual circumstances of Europe, to the confidence of distant and peaceful merchants. The merchants of America, as was to have been expected, did con-

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side. Upon the credit, and under the protection of that promise, they sent to Naples many valuable vessels and cargoes, navigated and documented with scrupulous regularity, and in no respect obnoxious to molestation; but scarcely had they reached the destination to which they had been allured, when they were seized, without distinction, as prizes, or as otherwise forfeited to the Neapolitan Government, upon pretexts the most frivolous and idle. These arbitrary seizures were followed, with a rapacious haste, by summary decrees, confiscating, in the name and for the use of the same Government, the whole of the property which had thus been brought within its grasp; and these decrees, which wanted even the decent affectation of justice, were immediately carried into execution, against all the remonstrances of those whom they oppressed, to enrich the treasury of the State.

The undersigned persuades himself that it is not in a note addressed to the Marquis di Circello that it is necessary to enlarge upon the singularly atrocious character of this procedure, for which no apology can be devised, and for which none that is intelligible has hitherto been attempted. It was, indeed, an undisguised abuse of power, of which nothing could well enhance the deformity but the studied deception that preceded and prepared it; a deception which, by a sort of treason against society, converted a proffer of hospitality into a snare, and that salutary confidence, without which nations and men must cease to have intercourse, into an engine of plunder.

The right of the innocent victims of this unequalled act of fraud and rapine to demand retribution cannot be doubted. The only question is, from whom are they entitled to demand it? Those who at that moment ruled in Naples, and were in fact, and in the view of the world, the Government of Naples, have passed away before retribution could be obtained, although not before it was required; and, if the right to retribution regards only the persons of those rulers as private and ordinary wrongdoers, the American merchant, whom they deluded and despoiled in the garb and with the instruments and for the purposes of sovereignty, must despair forever of redress.

The undersigned presumes that such is not the view which the present Government will feel itself justified in taking of this interesting subject. He trusts that it will, on the contrary, perceive that the claim which the injured merchant was authorized to prefer against the Government of this country before the recent change, and which, but for that change, must sooner or later have been successful, is now a valid claim against the Government of the same country, notwithstanding that change; at least the undersigned is not at present aware of any considerations which, applied to the facts that characterize this case, can lead to a different conclusion; and certainly it would be matter for sincere regret that any consideration should be thought sufficient to make the return of His Sicilian Majesty's power fatal to the rights of friendly strangers, to whom no fault can be ascribed.

The general principle, that a civil society may contract obligations through its actual Government, whatever that may be, and that it is not absolved from them by reason simply of a change of government, or of rulers, is universally received as incontrovertible. It is admitted, not merely by writers on public law, as a speculative truth, but by States and statesmen, as a practical rule; and, accordingly, history is full of examples to prove that the undisturbed possessor of sovereign power in any society, whether a rightful possessor or not with reference to other claimants of that power, may not only be the lawful object of allegiance, but by many of his acts, in his quality of sovereign *de facto*, may bind the society, and those who come after him as rulers, although their title be adversary to, or even better than his own. The Marquis di Circello does not need to be informed that the earlier annals of England, in particular, abound in instructions upon this head.

With regard to just and beneficial contracts entered into by such a sovereign with the merchants of foreign nations, or (which is the same thing) with regard to the detention and confiscation of their property for public uses, and by his authority, in direct violation of a pledge of safety, upon the faith of which that property arrived within the reach of confiscation, this continuing responsibility stands upon the plainest foundations of natural equity.

It will not be pretended that a merchant is called upon to investigate, as he prosecutes his traffic, the title of every sovereign with whose ports, and under the guaranty of whose plighted word, he trades. He is rarely competent. There are few in any station who are competent to an investigation so full of delicacy, so perplexed with facts and principles of a peculiar character, far removed from the common concerns of life. His predicament would be to the last degree calamitous, if, in an honest search after commercial profit, he might not take Governments as he finds them, and, consequently, rely at all times upon visible, exclusive, acknowledged possession of supreme authority. If he sees all the usual indications of established rule, all the distinguishing concomitants of real, undisputed power, it cannot be that he is, at his peril, to discuss mysterious theories above his capacity, or foreign to his pursuits; and, moreover, to connect the results of those speculations with events of which his knowledge is either imperfect or erroneous. If he sees the obedience of the people, and the acquiescence of neighboring princes, it is impossible that it can be his duty to examine, before he ships his merchandise, whether it be fit that these should acquiesce or those obey. If, in short, he finds nothing to interfere with or qualify the dominion which the head of the society exercises over it and the domain which it occupies, it is the dictate of reason, sanctioned by all experience, that he is bound to look no further.

It can be of no importance to him that, notwithstanding all these appearances announcing lawful rule, the mere right to fill the Throne is claimed by or even resides in another than the

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actual occupant. The latent right, (supposing it to exist,) disjoined from and controverted by the fact, is to him nothing while it continues to be latent. It is only the sovereign in possession that it is in his power to know. It is with him only that he can enter into engagements. It is through him only that he can deal with the society. And if it be true that the sovereign in possession is incapable, on account of a conflict of title between him and another, who barely claims, but makes no effort to assert his claim, of pledging the public faith of the society and of the monarch to foreign traders, for commercial and other objects, we are driven to the monstrous conclusion that the society is, in effect and indefinitely, cut off from all communication with the rest of the world. It has and can have no organ by which it can become accountable to or make any contract with foreigners, by which needful supplies may be invited into its harbors, by which famine may be averted, or redundant productions be made to find a market in the wants of strangers. It is, in a word, an outcast from the bosom of the great community of nations, at the very moment too when its existence, in the form which it has assumed, may everywhere be admitted. And, even if the dormant claim to the Throne should at last, by a fortunate coincidence of circumstances, become triumphant, and unite itself to the possession, this harsh and palsyng theory has no assurance to give, either to the society or to those who may incline to deal with it, that its moral capacity is restored—that it is an outcast no longer—and that it may now, through the protecting will of its new sovereign, do what it could not do before. It contains, of course, no adequate and certain provision against even the perpetuity of the dilemma which it creates. If therefore a civil society is not competent, by rulers in entire possession of the sovereignty, to enter into all such promises to the members of other societies as necessity or convenience may require, and to remain unanswerable for the breach of them into whatsoever shape the society may ultimately be cast, or into whatsoever hands the Government may ultimately fall; if a sovereign entirely in possession is not able, for that reason alone, to incur a just responsibility in his political or corporate character to the citizens of other countries, and to transmit that responsibility even to those who succeed him by displacing him, it will be difficult to show that the moral capacity of a civil society is anything but a name, or the responsibility of sovereigns anything but a shadow. And here the undersigned will take the liberty to suggest, that it is scarcely for the interest of sovereigns to inculcate as a maxim that their lost dominions can only be recovered at the expense of the unoffending citizens of States in amity, or, which is equivalent to it, to make that recovery the practical consummation of intermediate justice, by utterly extinguishing the hope of indemnity, and even the title to demand it.

The undersigned will now, for the sake of perspicuity and precision, recall to the recollection of his Excellency, the Marquis di Circello, the

situation of the Government of Murat at the epoch of the confiscations in question. Whatever might be the origin or foundation of that Government, it had for some time been established. It had obtained such obedience as in such times was customary, and had manifested itself, not only by active internal exertions of legislative and executive powers, but by important external transactions with old and indisputably regular Governments. It had been (as long afterwards it continued to be) recognised by the greatest potentates as one of the European family of States, and had interchanged with them Ambassadors, and other public Ministers and Consuls. And Great Britain, by an Order in Council of the 26th April, 1809, which modified the system of constructive blockade promulgated by the orders of November, 1807, had excepted the Neapolitan territories, with other portions of Italy, from the operation of that system, that neutrals might no longer be prevented from trading with them.

Such was the state of things when American vessels were tempted into Naples by a reliance upon the passports of its Government, to which perfidy had lent more than ordinary solemnity, upon a declaration, as explicit as it was formal and notorious, that they might come without fear, and might depart in peace. It was under these circumstances, that, instead of being permitted to retire with their lawful gains, both they and their cargoes were seized and appropriated in a manner already related. The undersigned may consequently assume, that, if ever there was a claim to compensation for broken faith which survived the political power of those whose iniquity produced it, and devolved in full force upon their successors, the present claim is of that description.

As to the demand itself, as it existed against the Government of Murat, the Marquis di Circello will undoubtedly be the first to concede, not only that it is above reproach, but that it rests upon grounds in which the civilized world has a deep and lasting interest. And with regard to the liability of the present Government, as standing in the place of the former, it may be taken as a corollary from that concession; at least until it has been shown that it is the natural fate of obligations, so high and sacred, contracted by a Government in the full and tranquil enjoyment of power, to perish with the first revolution, either in form or rulers, through which it may happen to pass; or (to state the same proposition in different terms) that it is the natural operation of a political revolution in a State, to strip unfortunate traders who have been betrayed and plundered by the former sovereign of all that his rapacity could not reach—the right of reclamation.

The wrong which the Government of Murat inflicted upon American citizens wanted nothing that might give to it atrocity or effect as a robbery introduced by treachery; but, however pernicious or execrable, it was still reparable. It left in the sufferers and their nation a right, which was not likely to be forgotten or abandoned, of seeking and obtaining ample redress, not from Murat simply, (who, individually, was lost in the sovereign,) but

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from the Government of the country whose power he abused. By what course of argument can it be proved that this incontestable right, from which that Government could never have escaped, has been destroyed by the reaccession of His Sicilian Majesty, after a long interval, to the sovereignty of the same territories?

That such a result cannot in any degree be inferred from the misconduct of the American claimants, is certain; for no misconduct is imputable to them. They were warranted, in every view of the public law of Europe, in holding communication with Naples in the predicament in which they found it, and in trusting to the direct and authentic assurances which the Government of the place affected to throw over them as a shield against every danger. Their shipments were strictly within the terms of those assurances; and nothing was done by the shippers or their agents by which the benefit of them might be lost or impaired.

From what other source can such a result be drawn? Will it be said that the proceeds of these confiscations were not applied to public purposes during the sovereignty of Murat, or that they produced no public advantages with reference to which the present Government ought to be liable? The answer to such a suggestion is, that let the fact be as it may, it can have no influence upon the subject. It is enough that the confiscations themselves, and the promise of safety which they violated, were acts of State, proceeding from him who was then, and for several successive years, the sovereign. The derivative liability of the present Government reposes not upon the good, either public or private, which may have been the fruit of such a revolting exhibition of power, emancipated from all the restraints of principle, but upon the general foundations which the undersigned has already had the honor to expose.

To follow the proceeds of these spoliations into the public treasury, and hence to all the uses to which they were finally made subservient, can be no part of the duty of the American claimant. It is a task which he has no means of performing, and which, if performed by others, could neither strengthen his case nor enfeeble it. And it may confidently be insisted, not only that he has no concern with the particular application of these proceeds, but that, even if he had, he would be authorized to rely upon the presumption that they were applied as public money to public ends, or left in the public coffers. It must be remembered, moreover, that whatever may have been the destiny of these unhallowed spoils, they cannot well have failed to be instrumental in meliorating the condition of the country. They afforded extraordinary pecuniary means, which, as far as they extended, must have saved it from an augmentation of its burdens; or, by relieving the ordinary revenue, made that revenue adequate to various improvements, either of use or beauty, which otherwise it could not have accomplished. The territories therefore under the sway of Murat must be supposed to have returned to His Sicil-

ian Majesty less exhausted, more embellished, and more prosperous, than if the property of American citizens had not in the meantime been sacrificed to cupidity and cunning. It must further be remembered, that a part of that property was notoriously devoted to the public service. Some of the vessels seized by the orders of Murat were, on account of their excellent construction, converted into vessels of war, and, as such, commissioned by the Government; and the undersigned is informed that they are now in the possession of the officers of His Sicilian Majesty, and used and claimed as belonging to him.

The undersigned having thus briefly explained to the Marquis di Circello the nature of the claim which the Government of the United States has commanded him to submit to the reflection of the Government of His Sicilian Majesty, forbears at present to multiply arguments in support of it. He feels assured that the equitable disposition of His Majesty renders superfluous the further illustrations of which it is susceptible.

The undersigned has the honor to renew to his Excellency the Marquis di Circello the assurances of his distinguished consideration.

WILLIAM PINKNEY.

Mr. Pinkney to Mr. Monroe.

NAPLES, September 28, 1816.

SIR: My exertions have not yet been sufficient (although they have been unremitting) to obtain an answer to my note of the 24th August; and the season is so far advanced that I fear I have only another week for further exertions. If I do not set out for Russia without delay, I shall subject myself to the hazard of being confined to Italy by rains and bad roads during a great part of the Winter. It is my determination, therefore, to press immediately and finally for a categorical reply to my note, although I am persuaded that the Marquis is in no situation to give it. He must either reply at once, or show why he cannot.

It has been mentioned to me by those in whom I have confidence, that this Government has been extremely perplexed by the demand contained in my note, and has had it under constant and anxious consideration; that, fearing after much consultation to take the ground suggested for it, as I think in America, of irresponsibility for such acts of Murat's Government as my note sets forth, it has been and still is searching for information as to facts; that diligent inquiry, for example, has been made and is yet making, for the original papers of the different vessels and cargoes for which we require compensation, or for such evidence as might supply their place; and that it is probable that in the end an attempt will be made to encounter at least a part of our demand with proof (good or bad) that our case is not altogether such as we suppose it to be in the circumstances.

I am told their search after the papers of the vessels and cargoes is not likely to be very successful; very few—perhaps none—remain; and

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it is not easy to conjecture what satisfactory or even plausible substitutes they can procure.

I wrote yesterday a private letter to the Marquis di Circello, urging a prompt answer to my note, and desiring that he would tell me, with a view to preparations for my departure, (which of course he knew I could not much longer postpone,) when I might count upon receiving it; but I now think it necessary to demand an interview, with the same object, to take place either to-day or to-morrow. I have the honor to be, &c.

WILLIAM PINKNEY.

Extracts of a letter from Mr. Pinkney, Special Minister of the United States at Naples, to Mr. Monroe, Secretary of State, dated

NAPLES, October 5, 1816.

On Sunday, the 29th of last month, I had an interview with the Marquis di Circello, in pursuance of the intention announced in my last. I pressed him for his promised answer to my note of the 24th of August, and insisted that, if he could not reply to it immediately, he would name the time within which it was probable he could do so. He said that an immediate answer was really impossible, and that he could not, without running the risk of misleading me, fix any precise time for the giving of such an answer as should be categorical. I asked the reason of this. He observed that the papers relative to the vessels and cargoes, for which we now demanded an equivalent, had, in Murat's time, been scattered about in such a way, that, with all the diligence they could use, they had not yet been able to collect them, or such information as might stand in their place; that all proper steps had been taken by the King's Government for obtaining these papers, and whatever else was connected with and material to our claim, and that they hoped that they would soon be successful; that our claim, apparently of large amount, was made upon those who confessedly had no participation in the transactions upon which it was founded; that, it was, therefore, manifest, they had all their knowledge of those transactions to gain; that they were sincerely desirous of understanding them thoroughly; that, without all the knowledge of the circumstances of the case which could at this time and by due inquiry be recovered, the King could not decide whether he was or was not answerable to us as we alleged; that a decision would undoubtedly be hastened and made known to me as soon as possible, and, as he believed, within a period of time not by any means distant; but that I must perceive that it was not in his power, without practising dissimulation, to assure me that this could be done in a few weeks. After some further conversation on this point, I told him that I feared I should be obliged to leave Naples before his answer was prepared; and as he knew that my ulterior destination was St. Petersburg, I informed him, finally, that I had determined to set out for Russia on Saturday, the 5th instant, (this day,) unless, by waiting a week or two more, I

could be sure of adjusting the business of my mission. He replied, with his characteristic good breeding, that they should be extremely sorry to lose me, and that they had hoped to have me with them for some time, but that, if my duty elsewhere called me away, he would undertake to send the answer to my note, the moment it could be given, wherever I would indicate; that there was no probability that, if I left Naples as soon as I spoke of, or even a week or two later, I should receive the answer here, but that if it could be given so promptly it should. I rejoined that I doubted if, without instructions, it would be well for me to receive the answer after I had left the King's court and territories; that I confidently trusted the answer would admit our claim, (though we had no desire to urge them inconveniently, as to the time or mode of payment, or even to push our demand to its utmost extent,) but that, however little such a result was to be expected, the answer might contest our demand, or an important portion of it; in which case it was both my duty and inclination to reply to the answer, and to maintain, as I did not fear to be able to do, the grounds of fact and law upon which I had already relied; and that this could not be done with advantage, nor, perhaps, with propriety, unless with the approbation of my Government, after my departure for another station.

The Marquis immediately expressed an opinion that I might regularly receive the answer after I had left the Neapolitan dominions; and, in consequence of a question which I put to him in this stage of the conversation, (whether it might not be more in rule to offer to deliver the answer to whom, and to where, the Government of the United States should think fit?) he said that he should have no objection to any course which I preferred, but that he thought it would be best (as being more respectful to me) that he should undertake to send the answer as I should prescribe, especially as this course essentially included the other. It would have been impossible for me to dispute an opinion referred to so civil a motive, even if the matter had been worth disputing.

I did not think, however, that it was worth more words than had been bestowed upon it; and I therefore left the Marquis, to take his own way upon it, reserving to myself the power of taking mine in due season.

In the whole of this conversation (of which I have very shortly stated the import) not a word was dropped by the Marquis condemning our claim, or intimating that it was likely to be rejected, although much of what I said was calculated to provoke him to do so; but again, he said nothing which amounted to an admission that the claim would be acknowledged.

Before I went away, I requested (and he promised) that he would write me a note, expressing briefly what had passed between us; and, the evening of the same day, I received from him a paper (of which a copy is among the enclosures) written and sent in consequence of that request;

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but, on examining that paper, I found it referred to my unofficial letter, mentioned in my last, and not to our interview; and moreover, it was dated the 27th of September, (perhaps a mistake for the 29th, or possibly my mistake of his figures,) which was antecedent to the interview. I took it for granted, however, that the Marquis had understood me to wish that this mode should be adopted; and, as it was of no importance, I did not put him, as at first I thought of doing, to the trouble of changing it. I therefore founded upon it the three notes, (bearing date, two of them the 30th of September, and the other the 1st of October,) of which copies are enclosed. On the 2d instant I received the Marquis's answer to my note of the 30th of September, which desired an audience of the King; and I took leave, accordingly, on Friday, the 4th instant, one of the days referred by the Marquis's note to my choice, as you will perceive by the copy of it herewith transmitted. The King was polite and kind, and conversed for some time with me on this occasion; but nothing was said by him which had any relation to the objects of my mission.

Having received my passports, my intention is to commence my journey for St. Petersburg in a very few days. Mr. King left me for Russia about a fortnight ago, as my letter of the 18th September informed you he would; and the gentlemen attached to my legation have gone before me to Rome, where I hope to arrive on Thursday or Friday next.

I beg your attention now to a few words upon the course which I have pursued as Envoy Extraordinary to Naples, and upon the actual position and prospects of the claim which produced it. My stay here has, perhaps, been a little longer than was anticipated when I sailed from America; but, upon a careful examination of my instructions, it appeared to me that I was directed by them to make the attempt to obtain an acknowledgment of our claim upon this Government, as full and complete as possible, without sacrificing to it the interests of my mission to Russia. I have done this. As the claim was of great magnitude in a pecuniary sense, involved important principles, and turned upon facts into which those with whom I had to deal had a right to inquire, I could scarcely hope to bring it to an issue of any kind within less than the two months which have elapsed since my first reception here. With regard to my mission to Russia, I have yet made no sacrifice.

Independently of the explanations which I have had, from time to time, with the Count Morenigo, (the Russian Minister here) with regard to my own anxiety, in conformity with the order of my Government, to be in St. Petersburg without delay, those who have experience of the road assure me that, if I had started sooner, I should have been obliged to wait upon the route for the setting in of the frost, and that I should, therefore, have gained nothing.

On the other hand, certainly I could have no apology for protracting my stay in Naples beyond the time to which I have limited it. My instruc-

tions, which are precisely what they ought to be, would not justify it. By remaining here a few weeks more, I should postpone for several months, perhaps, my arrival at St. Petersburg, by losing the best season for quitting Italy.

Of the manner in which my negotiation has been conducted I have little to say. Avoiding extremes of every kind, I have sought to write and speak with politeness, but at the same time explicitly and firmly. My object has been to let the King and his ministers understand that the claim must be settled, and to place it upon such ground as to convince them that we are in earnest in considering them as our debtors. Without being studiously conciliatory, I have forborne all menaces.

They have, indeed, treated me and my errand with so much respect, that it would have been difficult for me, even if it had been wise and honorable, to endeavor to force the claim upon them by arrogance and harshness.

I might, indeed, have contrived to display a more active and zealous importunity than my letters will be found to describe; but it could only have been that teasing importunity, which, wanting dignity, and unauthorized by usage, has nothing to recommend its introduction into transactions like this. No proper opportunity has, I think, been missed, to urge this Government to a favorable decision. As to the footing upon which the claim now stands, and the value of its future prospects, it is obvious that much has been gained. It has been presented, (whether well or ill, I dare not judge.) It has been received in a becoming manner, and entertained for deliberation and inquiry. The way to adjustment has been prepared and smoothed. The great principle on which the demand was rested by the Government of the United States is impliedly conceded, and, at any rate, has been greatly strengthened by the forbearance of this Government, not only *in limine*, but even to the last moment of my mission, to deny it, with opportunity and every inducement to do so constantly presented to it. It was to have been expected, and was expected, that the Court of Naples would resist, at the threshold, a demand which directly, as well as implicitly, asserted its responsibility for the violence and frauds of Murat. It was its true policy to repel such a demand at once, (without reference to details,) if it meant to contest at all the responsibility, upon which the claimants altogether depended, and which formed, in truth, the only dubious part of their case. It was prepared to take that course (as I was well assured) upon my first arrival, yet it has not ventured to take it. On the contrary, it has avowedly busied itself, since the presentation of my note of the 24th of August, in efforts (which cannot be successful) to lay a foundation of fact for distinctions that may give it a chance of escaping from our principle, which finally it declines to question.

The reasons suggested by this Government for a short postponement of its decision are such as I suppose I could not have quarrelled with, without putting myself in the wrong. They are per-

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fectly respectful to the United States, and of real weight in themselves. Their effect is to leave negotiation open, to give encouragement to resume it, and, at the same time that they impart new solidity to our claims, to render an acquiescence on our part in a brief adjournment of it not only consistent with our honor, but a duty. In the mean time, the two Governments are not brought to a disagreeable issue, as (if the claim had been rejected without ceremony, or even with all the ostentation of civility,) they might have been.

In not consenting to receive the answer of this Government after my departure from Naples, I was a good deal influenced by the apprehension that they might possibly give me such an answer when absent as they would not give me if present. I desired, moreover, to insure to my Government a just control over the subject, and to the claimants a clear stage for their own private exertions. I thought that a more convenient resting point could scarcely be had, and that it would be better that I should afford time to advise upon the case to those who had more right than I to dispose of it in future, than that, adhering to my mission after I had separated myself from those to whom I was accredited, I should risk the loss of everything by the exercise of a very doubtful authority, under all sorts of disadvantages.

The Marquis di Circello to Mr. Pinkney, dated

NAPLES, September 27, 1816.

The Marquis di Circello, in reply to the private letter of his Excellency Mr. Pinkney, in which he is pleased to remind him of his official note of the 24th of August last, has the honor to inform him, that notwithstanding the great anxiety of him (the Marquis di Circello) to give the reply which he owes to the said note, he is not yet able to give it, since it must be the result of a reunion and accurate examination of all the information which the subject of that note requires, and for obtaining which orders have been given. This may probably occupy several weeks more, and it is of course impossible for him yet to fix the epoch at which the said reply may be given as Mr. Pinkney desires. The writer, however, assures his Excellency, that in case his situation should not permit him to wait for the said reply, he will make it his duty to forward it wheresoever he may indicate.

In the mean time, he profits of this occasion to have the honor to confirm to His Excellency the assurances of his distinguished consideration.

IL MARCHESE DI CIRCELLO.

Mr. Pinkney to the Marquis di Circello, dated

NAPLES, September 30, 1816.

The undersigned, Envoy Extraordinary of the United States of America, had the honor to receive last night the note of his Excellency the Marquis di Circello, bearing date the 27th instant, upon the subject of the note of the undersigned of the 24th of August.

The undersigned certainly regrets that the Government of His Sicilian Majesty has not been able already to honor him with a precise reply to that note; and he regrets still more that, on account of the difficulty of collecting the information supposed to be necessary to a correct decision upon the claim which it preferred, he cannot hope to have such a reply during the time to which he is obliged to limit his present stay in Naples.

He is perfectly sure, however, that the epoch is at hand when His Majesty's Government will be possessed of this information, and when the justice of the claim of the Government of the United States, in behalf of its injured citizens, will be fully perceived and distinctly acknowledged.

The undersigned, in answer to that part of the note of the Marquis di Circello which proposes to send a reply to the note of the undersigned of the 24th of August wheresoever the undersigned may indicate, has the honor to state to the Marquis di Circello, that, upon this point, as well as upon all such ulterior steps as his mission and the subject of it may be calculated to produce, the undersigned will think it his duty to refer himself to his Government, which, at the same time that it will give their due weight to the reasons which are now assigned for a short postponement of the claim in question, will take such measures as it shall think the case requires with regard to the future.

The undersigned takes this occasion to renew to his Excellency the Marquis di Circello the assurances of his distinguished consideration.

WM. PINKNEY.

Mr. Pinkney to the Marquis di Circello, dated

NAPLES, September 30, 1816.

The undersigned, Envoy Extraordinary of the United States of America, being about to leave the Court of His Majesty the King of the Two Sicilies, upon the business of his Government, has the honor to request that his Excellency the Marquis di Circello will have the goodness to inform him at what time His Majesty will honor him with an audience.

The undersigned avails himself of this opportunity to renew to his Excellency the Marquis di Circello the assurance of his most distinguished consideration.

WM. PINKNEY.

Mr. Pinkney to the Marquis di Circello, dated

NAPLES, October 1, 1816.

The undersigned, Envoy Extraordinary of the United States of America, has the honor to request of his Excellency the Marquis di Circello the usual passports for himself, his family, and suite, and their baggage, &c.

It is his present intention to go to St. Petersburg by the way of Vienna; but it is possible that he may abandon that route in favor of the road through Berlin. He wishes to set out at the end of this week.

He begs his Excellency the Marquis di Cir-

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cello to accept the renewed assurances of his distinguished consideration.

WM. PINKNEY.

*The Marquis di Circello to Mr. Pinkney, dated
NAPLES, October 2, 1816.*

The undersigned, Secretary of State and Minister of Foreign Affairs, in reply to the official note of the 30th of last month, in which his Excellency Mr. Pinkney, Envoy Extraordinary of the United States of America, has requested an audience of His Majesty the King of the Two Sicilies, hastens to inform him that His Majesty will with pleasure receive him at the royal palace in Naples either to-morrow or next day, (as may be most convenient to his Excellency,) at half-past eleven o'clock in the forenoon.

The undersigned renews to his Excellency, &c.
IL MARCHESE DI CIRCELLO.

Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary of the United States at St. Petersburg, to Mr. Adams, Secretary of State.

ST. PETERSBURG, Feb. 27, 1817.

SIR: Notwithstanding the explicitness of my answer of the 30th of September of the last year to the proposal contained in the note of the Marquis di Circello of the 27th of the same month, I had scarcely quitted Naples when he sent after me his reply to my note of the 24th of August. The obstacles which, while I was present, threatened to retard that reply for many a week, and even for months, disappeared with a marvellous rapidity after I had departed; for the reply passed me on the road to St. Petersburg, and arrived there long before me.

The Neapolitan Minister at this Court (to whom it was forwarded by the Marquis di Circello, for the purpose of being delivered to me) manifested immediately upon my arrival here a very anxious desire that I should receive it. He even entreated me to do so, with such earnestness as it was not easy to resist. I refused, however, to have anything to do with his packet, and assigned as my reasons that I had ceased to have any right to meddle with the subjects of my late mission to his Government; that the Marquis di Circello was distinctly told by me, when I found that I must leave Naples without an answer to my note, that I would not continue to correspond with him upon the claim which it preferred, unless I should be instructed to do so by my Government; and that he could not but know, without the help of anybody's information, that it was impossible that I should so soon be in possession of such instructions, even if the President approved of that course, (as it was probable he would not,) for the conclusion of my negotiation.

The Duke proposed finally to write me a letter, importing that he had the reply to my note, and that he wished me to take it. I assented to this, and the short correspondence, of which a copy is enclosed, was the consequence.

If I had been perfectly sure that the reply was

a favorable one, and required no further discussion, (which, indeed, I did not understand it to be the intention of the Sicilian Government to indulge me in,) I would have received it. The celerity with which it had followed me, however, suggested the opposite presumption; and the Duke's desultory conversations with me, as often as I met him, (in which he talked, as the Marquis di Circello was wont to do, of the poverty of his master, &c.,) did not weaken that presumption. Certain newspapers, too, professing to speak from authority, had affected to quote the reply as a refusal, which had already been given to me. You will find a republication of one of those articles in the enclosed *Conservateur Impartial*, and will be satisfied that the Sicilian Government, or its Minister at Vienna or St. Petersburg, has dictated the latter part of it.

Upon the whole, having lost my power to deal with the reply as its contents might require, and fearing it was not what it ought to be, I thought it my duty to insist upon the impropriety of sending it at this moment to me, (an impropriety for which the Marquis di Circello could have no motive that I ought to sanction,) and upon that ground to decline to take it. The Duke has shown uneasiness at this course, and I am not sorry for it. His Government is a good deal disturbed by our claim, and we hazard nothing (and may gain) by practising upon its anxiety within certain bounds, or even to any extent we think fit.

I have the honor to be, with very distinguished consideration, sir, your most obedient humble servant,

WILLIAM PINKNEY.

HON. SECRETARY OF STATE.

The Duke of Serra Capriola to Mr. Pinkney.

ST. PETERSBURG, Feb. 7, (19,) 1817.

SIR: I have received from my Court a note in answer to that addressed by your Excellency to the Marquis di Circello on the 24th of August last, and which it was not possible to deliver you before your departure, on account of the information necessary to be taken relative to the business with which you were charged by your Government.

I have the honor to give you this information, for the purpose of knowing if you are willing to receive it, and take your arrangements for that purpose.

In the meanwhile, be pleased to receive the assurances of the very distinguished consideration with which I have the honor to be, sir, your Excellency's most humble and most obedient servant,

SERRA CAPRIOLA.

Mr. Pinkney's answer to the foregoing.

ST. PETERSBURG, Feb. 20, 1817; (N. S.)

SIR: It would have been particularly agreeable to me to obtain, during the continuance of my functions as the Envoy Extraordinary of the

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United States at Naples, while I might regularly have taken and acted upon it, an answer to the note which in that character I addressed to the Marquis di Circello on the 24th of August of the last year, and I certainly spared no efforts for that purpose.

I found it impracticable, however, after the importunity of many weeks; to obtain either an answer, or the designation of any precise time within which I might be authorized to expect one; and, as my ulterior duties here would not suffer me to wait at Naples for the issue of inquiries and deliberations, of which avowedly the term could not be foreseen even by those who were engaged in them, I was compelled to leave unsettled the subject of my note and to put an end to my mission.

My power to correspond with the Government of the King of the Two Sicilies upon that subject, or otherwise to assume an agency in it, has consequently ceased, and can only be revived by the President of the United States, from whom I derived it originally, and to whom I have rendered an account of the use which I was able to make of it. Whether it will be his pleasure to renew it in any degree, or in what other way he will think it proper to deal with the subject, I have no means of knowing. I know only that he has yet given me no orders upon it, and that there has not been time for such orders.

The Marquis di Circello must be prepared for this answer to your Excellency's letter to me of the 19th instant if he does me the honor to preserve any recollection of my note to him of the 30th of September last, of which (as well as of his note to me of the 27th of the same month) I shall be very willing to give you a copy if you desire it.

I have the honor to be, with very distinguished consideration, your Excellency's most obedient humble servant,

WILLIAM PINKNEY.

His Exc'y the DUKE of SERRA CAPRIOLA.

The Duke of Serra Capriola to Mr. Pinkney.

ST. PETERSBURG, Feb. 9, (21,) 1817.

SIR: I received yesterday the letter by which your Excellency has been pleased to reply to that which I addressed to you on the 7th (19th) of this month, stating the reasons by which you consider yourself no longer authorized to receive the note in answer to it, transmitted to me by the Minister of His Majesty the King, my master.

Your Excellency will readily conceive how unpleasant and painful it must have been to the King not to have been able to cause an answer to be given to your note of the 24th of August last, during your mission at Naples; but you are aware, sir, that that answer must necessarily have been founded on documents and proofs not easily procured, inasmuch as the transaction in discussion took place under a Government foreign to the existing one. If this delay was painful to the King and to his Ministry, how much more will it not be on seeing the answer again impeded. I

consider it, therefore, my duty, sir, to engage you to receive the packet I am charged with, at least for the purpose of transmitting it to your Government. By this means you will satisfy the wishes of my Government, and make the President of the United States acquainted with the well-founded arguments which might accelerate the termination of this affair.

Availing myself of the offer you have made me, sir, I have to request you would be pleased to favor me with a copy of the Marquis di Circello's letter, and of your answer of the 30th September. You will thereby greatly oblige me, sir; and, in thus tendering you my acknowledgments for it, I seize the present occasion of renewing to you the assurances of the very distinguished consideration with which I have the honor to be, sir, your Excellency's most humble and most obedient servant,

SERRA CAPRIOLA.

Mr. Pinkney's reply to the foregoing:

ST. PETERSBURG, Feb. 21, 1817, (N. S.)

SIR: It would really give me sincere pleasure to be able to conform to the wish which your Excellency presses upon me with so much earnestness; but I feel insurmountable repugnance, arising out of what I believe to be a correct sense of my duty, to giving any sanction to the making of a communication to me, as if I were still the accredited Envoy of the United States at Naples. I can have no difficulty, however, in consenting to forward to the Secretary of State of the United States anything which, by order of your Court, you may think fit to address to him.

What may be the nature of the packet which has followed me from Naples I do not know, and do not desire to know, further than that it is in answer to a note written by me in an official character which I no longer possess. I have the utmost confidence, indeed, that it proposes a fair indemnity to our plundered merchants, not only with reference to that part of the spoil which, not having been sold by Murat, has passed into the hands of His Majesty the King of the Two Sicilies, and is now in his possession, but with reference also to that larger portion of it which was converted into money. But let it propose what it may, it is not to me that it should address itself, at least until my Government is known to have given me such instructions, which it has not yet had time to give, even if it be disposed to adopt that course, as may justify me in receiving it, and in acting upon it as its contents may require.

The copies which you desire are herewith enclosed. They will satisfy you that the Marquis di Circello ought to anticipate the answer which I now repeat to your application.

I have the honor to be, with the most distinguished consideration, your Excellency's most obedient, humble servant,

WILLIAM PINKNEY.

His Ex. the DUKE DI SERRA CAPRIOLA.

Relations with the Kingdom of Sicily.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris, to Mr. Monroe, Secretary of State, dated

PARIS, November 19, 1816.

I received, on the 16th instant, a note from the Neapolitan Ambassador, enclosing, by order of his Court, the copy of an official note, dated 15th October last, and addressed by the Marquis di Circello to Mr. Pinkney, after his departure from Naples. In answer to a verbal inquiry, the Ambassador told me that he did not know whether that note had been directed to Mr. Pinkney, at St. Petersburg, or at any other place on the road. He also said that his Government had authorized him to add to that communication to me any further observations which he might deem proper, but that he had abstained from it, knowing that neither he nor myself had any powers on that subject, and wishing, therefore, to avoid an unprofitable discussion.

It may be presumed that the Neapolitan Government delayed that note in order to prevent the possibility of a reply; and that their intention in communicating it to me was to hasten its transmission to you. Copies of the official note itself, and of that of the Ambassador to me, are enclosed.

PARIS, November 15, 1816.

The undersigned, Ambassador Extraordinary of His Majesty the King of the Two Sicilies, has the honor to transmit, by order of his Court, to Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, a copy of an official note, addressed by the Marquis di Circello, Minister and Secretary of State of his said Majesty, to Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary of the United States, in answer to his note of the 24th of August last, on the subject of certain American vessels confiscated in 1809 by Murat.

The undersigned avails himself of this occasion to renew to Mr. Gallatin the assurances of his high consideration.

CASTELCICALA.

The Marquis of Circello, Minister of Foreign Affairs at Naples, to Mr. Pinkney, Special Minister of the United States.

NAPLES, October 18, 1816.

Although the Government of His Majesty the King of the Two Sicilies was from the first moment, in a situation to judge of the validity of the remonstrance and demands made by his Excellency Mr. Pinkney, Envoy Extraordinary of the United States of America, in his note of the 24th August last, nevertheless, wishing to examine and discuss them under all their aspects of right and of fact, it has waited, accordingly, until all the materials and lights were collected proper to this end.

The many difficulties attending the search after those materials, owing to the change in the order of things during which the facts occurred

that have given rise to the demands of Mr. Pinkney, rendered it impossible for the Royal Government to reply to the note of his Excellency before his departure from Naples.

Now that the papers and appropriate inquiries have shed the strongest light upon the affair in question, the undersigned, Councillor and Secretary of State, Minister of Foreign Affairs of His Majesty the King of the Two Sicilies, hastens to give, by order of his Sovereign, the following reply to Mr. Pinkney, requesting his Excellency to be pleased to communicate it to his Government.

All the arguments contained in the note of the 24th August look to the end of making His Majesty's Government responsible for the consequences of the confiscation and sale, whether just or unjust, of several American vessels and cargoes, which took place in Naples while the kingdom was held by Murat.

In support of this pretension, it is assumed that the abuse of power and violation of good faith, by which these arbitrary acts were committed, are of such a nature as to survive the political authority of the author of them, and that, of course, as there accrued a right of reclamation against the Government of Murat, there exists one also against the present Government of the Two Sicilies.

His Excellency adds, that although the American claimants have not the means of ascertaining to what uses the produce of the abovementioned sales was applied, yet they may presume that it was expended in works and objects of public utility, or left in the public coffers; and therefore affirms that, under this point of view, likewise, His Majesty's Government is bound to indemnify the victims of the spoliations committed during the ascendancy of Murat.

Without undertaking to inquire whether a sort of succession or inheritance, in legitimate and illegitimate Governments, can be maintained upon good grounds, the undersigned will be content to remark that, whatever may be the opinion of publicists as to this point, no one has ever pretended to visit the injustice of the contracts or deeds of usurpers upon the people subjected to their yoke, or upon the legitimate sovereigns.

That theory would, indeed, be a disconsolate one which should extend the power of an enemy not only to the consequences of fact, but even to those of right. The victory which restored the legitimate prince would be fatal to both, if it must have the effect of making him responsible for the acts of injustice and violence which the usurper might have perpetrated against foreign nations.

It avails not to say that these are of the description of obligations and engagements which survive the overthrow of the usurped dominion, as common to the nation over which that dominion was exercised. This would be the place to determine whether we could reasonably qualify, as an obligation, an engagement from Government to Government, or nation to nation, a mere right of reclamation, which, according to the obligation of Mr. Pinkney himself, the Unit-

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ed States kept in reserve, to be exercised with Murat, had not his power been subverted.

But the undersigned will simply ask his Excellency if that very right is not to be regarded as null, seeing that the continual, strong, vehement demands, officially made by the Consul General of the United States at Naples upon the Minister of Murat, for the restitution of the confiscated vessels and cargoes, or compensation to the American owners, were rejected, or remained without a reply? However this may be, it is always incontestable that it is not against the actual Government of His Majesty that a right, to which he who created it would not hearken, can be tried, as it were, in the nature of an appeal.

It is among the principles of reason and justice, that a sovereign, who never ceased to be in a state of war with the usurper of his dominions, and who, very far from having afforded grounds for presuming that his rights were waived, as is asserted in his note of the 24th August, carried into effect, in concert with his ally, England, a powerful expedition in the islands of Procida and Ischia, nearest to the capital of his usurped kingdom, in the year 1809, precisely that in which the confiscation of the American ships at Naples took place. It is among the principles of reason and justice, that he should not be, on regaining his dominions in process of the war which had compelled him to absent himself from them, held responsible for the excesses of the enemy.

Let, then, the relations of the usurper with the Powers friendly or allied to France have been what they may, the inference which the American merchants may have drawn from them, in relation to the prosecution of their trade at Naples, should not be made to recoil upon the treasury of a sovereign who not only did not show any the least acquiescence in the usurpation, but did all that was in his power, and all that circumstances would permit, to vindicate his abused rights. There is still less foundation for the arguments brought forward in the note of the 24th August to prove that the Neapolitan nation was, in some sort, a party to the measures by which the Americans suffered, and therefore liable, *in solidum*, for the consequences.

If the inhabitants of the kingdom of Naples could only have signified their wishes, these would undoubtedly have been for the maintenance of relations of justice and friendship with the Americans, the only nation which, by means of its neutrality, might provide a vent for the commodities accumulated through so many years in the kingdom, under the operation of the noted continental system of ruinous memory.

But everybody knows that the Neapolitan nation, prostrated by a foreign domination, was but the mournful spectator and first victim of the arbitrary acts which were daily committed. So far, then, from being able to indemnify others, it would be exceedingly fortunate if she could find means of compensating herself for the losses and immense injuries which she sustained during the occupation of the kingdom.

These considerations would be more than suf-

ficient to prove that the claims of the American merchants cannot reach either the actual Government of His Majesty or his people.

But, to make the demonstration complete, and to exhibit the question under all its aspects, the undersigned will admit, for a moment, the absurd hypothesis, that the present Government of Naples stands in the place of that of Murat, and has succeeded to all his obligations.

The demand of Mr. Pinkney will not be, on this account, the less unsustainable, since the confiscation and sale of the American vessels and cargoes were acts which proceeded directly from the power and from the will of Bonaparte. There exists, in fact, in the archives of the Treasury, a report of the Minister, Agar, who presided over that Department in 1809, addressed to Murat, who was then at Paris.

The Minister relates, in this report, that two American ships had arrived at Naples, one from Salem, the other last from Algiers, laden with colonial produce; and that the necessary orders had been given to put the same under sequestration, conformably to the directions antecedently issued from higher authority, with respect to the other vessels arrived at Naples, before the departure of Murat for Paris.

He proceeds then to point out the great benefit which the treasury would derive from opening the market to the colonial produce lying on board those ships, or in the custom-house of Naples, by the duties which would be collected upon the sale of it, and upon the export of the oils which the Americans would take as return cargoes.

The Minister remarks, in fine, that the confiscation itself of the American vessels and cargoes was but an inconsiderable resource, compared with the very great advantage which would have resulted to the treasury from an active American trade, could it have been tolerated in the ports of the kingdom.

Murat did not deem himself authorized to decide in any way, and submitted the report to his brother-in-law, Napoleon, who decreed, in margin, that the vessels and cargoes in question should be confiscated, because the embargo laid in the ports of the United States induced him to believe that the produce must be British property, and its introduction into the Continent a breach, therefore, of the two famous Berlin and Milan decrees.

On the disclosure of this decision of Bonaparte in Naples, it was ordered, also, that the proceeds of the sales should not be paid over to the treasury of the State, but that a separate and special account should be opened for them, which was done accordingly. In order to understand well this distinction, and to be able to draw from it the consequences applicable to the case, it is useful to note, that during the military occupation of the kingdom, there existed a treasury, so called, destined to receive the public revenues and defray the public charges; and as, among the latter, the support of the luxurious household of Murat was not the least onerous, accordingly the sums allot-

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ted to this purpose were paid into the hands of a particular treasurer, who disposed of them as his master directed.

Besides this particular chest, into which, moreover, all the proceeds of the private domain were emptied, Murat established another, by the name of separate account or fund, (*conto a parte*), as a receptacle for the sums arising from the sale of the vessels and cargoes confiscated in 1809 and 1812, and also for the profits of the licenses which, in imitation of England and France, he sold to the vessels entering and leaving the ports of the kingdom. The new fund was always considered as appertaining to the extraordinary and private domain of Murat himself. An irrefragable proof of this may be offered. The first article of one of his decrees, of 25th April, 1812, is conceived in the following terms: "The commission established by our decree of November 30, 1811, for the purpose of liquidating the accounts of our royal household, is, in addition, charged with examining the accounts of the vessels sequestered in our ports, regarded by us as the property of our extraordinary and private domain."

Besides, it is enough to read the account rendered of the cashier of the separate fund, to know that the sums paid into it were dissipated in largesses to the favorites of Murat, in marriage portions to some of his relatives, and in other licentious expenses of Murat and of his wife, especially during their visit at Paris. It appears, moreover, that Murat having anticipated on said fund a sum of two hundred thousand livres on account of the treasury, towards the cost of the expedition with which, during several months, he menaced Sicily with an invasion from Calabria, the Minister of the Finances lost no time in reimbursing the fund with the proceeds of the public taxes.

From the foregoing statement, two important and obvious consequences are to be drawn. The first is, that Murat only lent his name in the confiscation of American ships, as he did merely in all the other measures pursued in Naples during the occupation of the kingdom. This was no mystery, nor could foreign nations be ignorant of it. Still less could they be unacquainted with the extent of the power which Bonaparte usurped, in order to give all possible latitude of effect to his decrees of Milan and Berlin, in the countries over which he exerted his fatal influence.

Obstinate in his fantasies, absolute in his will, he studied only to enlarge the sphere of his favorite plan. A mere remonstrance on this head, if Murat had allowed himself to prefer one, would have cost the latter his crown. Holland furnished an incontestable example of this truth.

Murat, then, let it be repeated, was but the passive instrument of the will of Bonaparte in the confiscation of the American ships; and if this could give birth to responsibility, such responsibility should no longer be imputed to the country over which he reigned, and still less to the Government which has there resumed its lawful authority.

The other, and not less important consequence,

is, that the treasury, which was the fund of the State, never enjoyed the proceeds of the confiscations, and that, instead of being employed to alleviate the burdens of the people, or applied to the improvement or embellishment of the country, as is supposed in the note of the 24th of August, those proceeds only served to feed the caprices and the oriental pomp of the family of Murat and his adherents.

After this rapid and faithful exposition of facts, the undersigned will not enter upon the inquiry whether the American merchants would have been entitled to call for indemnity, if the Power which commanded and executed the confiscation of their property had, unfortunately, continued to flourish.

He will go no further than to remark to Mr Pinkney, that such a call could not affect the actual Government of His Majesty, nor his people; and his Excellency and his Government are too enlightened and too impartial not to be fully convinced of this, now that they can dwell upon circumstances which perhaps were not previously within their knowledge.

The undersigned renews to Mr. Pinkney, on this occasion, the assurance of his most distinguished consideration.

IL MARCHESE DI CIRCELLO.

INDEPENDENCE OF THE SPANISH PROVINCES.

[Communicated, to the House, March 25, 1818.]

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 5th of December last, I now transmit a report of the Secretary of State, with a copy of the documents which it is thought proper to communicate, relating to the independence and political condition of the provinces of Spanish America.

JAMES MONROE.

WASHINGTON, March 25, 1818.

DEPARTMENT OF STATE,
March 25, 1818.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 5th December, has the honor of submitting the documents herewith transmitted, as containing the information possessed at this department requested by that resolution.

In the communications received from Don Manuel H. de Aguirre, there are references to certain conferences between him and the Secretary of State, which appear to require some explanation.

The character in which Mr. Aguirre presented himself was that of a public agent from the Government of La Plata, and of private agent from that of Chili. His commissions from both simply qualified him as agent. But his letter from the Supreme Director (Pueyrredon) to the Pres-

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ident of the United States requested that he might be received with the consideration due to his diplomatic character. He had no commission as a public Minister of any rank, nor any full power to negotiate as such. Neither the letter of which he was the bearer, nor he himself, at his first interviews with the Secretary of State, suggested that he was authorized to ask the acknowledgment of his Government as independent; a circumstance which derived additional weight from the fact that his predecessor, Don Martin Thompson, had been dismissed by the Director Pueyrredon, for having transcended his powers, of which the letter brought by Mr. Aguirre gave notice to the President.

It was some time after the commencement of the session of Congress that he made this demand, as will be seen by the dates of his written communications to the department. In the conferences held with him on that subject, among other questions which it naturally suggested were those of the manner in which the acknowledgment of his Government, should it be deemed advisable, might be made; and what were the territories which he considered as forming the State or nation to be recognised. It was observed, that the manner in which the United States had been acknowledged as an independent Power by France was by a treaty concluded with them, as an existing independent Power; and in which each one of the States then composing the Union was distinctly named; that something of the same kind seemed to be necessary in the first acknowledgment of a new Government, that some definite idea might be formed, not of the precise boundaries, but of the general extent of the country thus recognised. He said the Government of which he desired the acknowledgment was the country which had, before the revolution, been the viceroyalty of La Plata. It was then asked whether that did not include Montevideo, and the territory occupied by the Portuguese; the Banda Oriental, understood to be under the government of General Artigas; and several provinces still in the undisputed possession of the Spanish Government? He said it did; but observed that Artigas, though in hostility with the Government of Buenos Ayres, supported, however, the cause of independence against Spain; and that the Portuguese could not ultimately maintain their possession of Montevideo. It was after this that Mr. Aguirre wrote the letter offering to enter into a negotiation for concluding a treaty, though admitting that he had no authority to that effect from his Government. It may be proper to observe, that the mode of recognition by concluding a treaty had not been suggested as the only one practicable or usual, but merely as that which had been adopted by France with the United States, and as offering the most convenient means of designating the extent of the territory acknowledged as a new dominion.

The remark to Mr. Aguirre, that, if Buenos Ayres should be acknowledged as independent, others of the contending provinces would, perhaps, demand the same, had particular reference

to the Banda Oriental. The inquiry was, whether General Artigas might not advance a claim of independence for those provinces, conflicting with that of Buenos Ayres, for the whole viceroyalty of La Plata. The Portuguese possession of Montevideo was noticed in reference to a similar question.

It should be added, that these observations were connected with others, stating the reasons upon which the present acknowledgment of the Government of La Plata, in any mode, was deemed by the President inexpedient, in regard as well to their interests as to those of the United States.

JOHN QUINCY ADAMS.

No. 1.

Don Yono. Alvarez to the President of the United States.

BUENOS AYRES, Jun. 16, 1816.

MOST EXCELLENT SIR: The circumstances are well known which have heretofore prevented these provinces from establishing with the United States of America the relations of amity and strict correspondence which reciprocal interest and a common glory ought to have inspired. At length, the obstacles which were opposed to our desires have been overcome, and we have the fortune to be able to send near your Excellency a deputy, to implore from your Excellency the protection and assistance we require for the defence of a just cause and sacred in its principles; and which is, moreover, ennobled by the heroic example of the United States, over whom your Excellency has the glory to preside.

A series of extraordinary events and unexpected changes, which have taken place in our ancient mother country, have constrained us not to make a formal declaration of national independence; nevertheless, our conduct and public papers have sufficiently expressed our resolution. When this letter reaches your Excellency, the general Congress of our Representatives will have met; and I can assure you, without fear of being mistaken, that one of its first acts will be a solemn declaration of the independence of these provinces of the Spanish monarchy, and all other sovereigns or powers.

In the meantime, our deputy near your Excellency will not be invested with a public character, nor will he be disposed to exceed the object of his mission, without an understanding with your Excellency and your Ministers. That these views may be exactly fulfilled, I have selected a gentleman who, from his personal qualities, will not excite a suspicion that he is sent by the Government invested with so serious and important a commission. He is Colonel Martin Thompson, who, independently of this credential, has the title which we are accustomed to give to our deputies. I hope that your Excellency will be pleased to give him full credit, and secure for him all the consideration which, in a like case, we would give and secure to the Ministers whom your Excellency may think proper to send to these provinces.

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The said deputy has it specially in charge to offer to your Excellency, in my name, and in that of the provinces under my direction, the profound respect and particular estimation with which we view the very illustrious chief of so powerful a Republic. May your Excellency deign to receive these expressions, and to give us an occasion to accredit them.

God preserve your life many years.

YONO. ALVAREZ.

No. 2.

Declaration of Independence of the Provinces of La Plata, communicated by Mr. Aguirre to the Department of State, 24th December, 1817.

We, the representatives of the United Provinces of Rio de la Plata, in general Congress assembled, invoking the Supreme Being who presides over the universe, and calling on heaven, earth, and mankind, to witness the justice of our cause, in the name and in virtue of the authority of the people whom we represent—

Solemnly declare, that it is the unanimous will of the people of these provinces to break asunder all the bonds which unite them with the Kings of Spain; to reinstate themselves in the enjoyment of the rights of which they have been deprived; and to raise themselves to the high rank of a free and independent nation, capable of giving themselves such a government as justice and imperious circumstances may require. Authorized by the United Provinces in general, and by each one of them in particular, to declare and lay them under the obligation to support this independence, we hereby pledge their lives, fortunes, and sacred honor.

Mindful of the respect due to those nations which take an interest in our fate, and conscious of the necessity of declaring the weighty reasons which have impelled us to this act, we resolve that a manifest, setting them forth, be immediately made public.

Given and signed in the hall of our sittings, sealed with the seal of the Congress, and countersigned by our Secretaries, in the city of Tucuman, this 9th day of July, 1816.

F. N. DE LAPRIDA, *President.*

J. M. SERRANO, } *Secretaries.*
J. J. PASSO, }

A true copy. AGUIRRE.

No. 3.

J. Martin de Pueyrredon to the President of the United States.

BUENOS AYRES, Jan. 1, 1817.

MOST EXCELLENT SIR: Being placed at the head of these provinces by the suffrage of the Congress of its representatives, and having had the honor, on a former occasion, of offering to your Excellency the tribute of my respects, and at the same time of transmitting the act of the declaration of our independence of the ancient Government of the King of Spain and his successors, I profit of the present occasion to notify

your Excellency that I have ordered Colonel Don Martin Thompson, the agent of this Government near the Government of your Excellency, to cease to exercise the functions appertaining to his character as such. When first sent to the United States, he went in the character of agent; and of this your Excellency was apprized by despatches of the 16th of January of the last year, in which was assigned, as the reason for not having appointed to so important a mission a person of greater consideration and weight, the necessity of obviating all suspicion that might otherwise have arisen concerning its object. It is with much concern that I have learned, by the communications themselves of our said agent, that he has arbitrarily departed from the line of the duties marked out for him, and that, without having duly estimated the honor of conferring with you, he has granted licenses which are in direct contradiction with the said principles. My predecessor rested all his hopes of a favorable issue to the commission given to Mr. Thompson on the generosity and magnanimity of your Excellency; and I, who entertain the same sentiments, venture to hope that, suspending for the present the appointment of an agent, we shall receive proofs of your friendly dispositions towards these people; but if your Excellency should deem it necessary that a formal agent should be appointed, I shall, upon the first intimation, take a particular pleasure in making choice of a person who may be worthy of the consideration of the illustrious chief to whom he will be sent.

I have the honor to avail myself of this occasion to renew to your Excellency the sentiments of respect and high esteem, which it is the boast of the people over whom I preside to entertain for you, and to offer you the like homage in my own name.

May God preserve you many years.

J. M. DE PUEYRREDON.

No. 4.

Don J. Martin de Pueyrredon, Supreme Director of the Government of Buenos Ayres, to the President of the United States.

PALACE OF THE GOVERNMENT,
Buenos Ayres, March 5, 1817.

MOST EXCELLENT SIR: The liberal and benevolent principles which distinguish your Government induce me to believe that the recent triumphs of liberty in these United Provinces of South America will be heard with pleasure by your Excellency and the happy citizens of your Republic. This confidence, and the conformity of the principles which actuate the inhabitants of this hemisphere with those that stimulated the heroic efforts of the United States of the North in the achievement of their independence, encourage me to make known to your Excellency the restoration of the opulent kingdom of Chili, by the patriot forces of my Government.

The printed documents which I have the honor to enclose contain accounts of the most

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memorable events of the last campaign. It was opened by the passage of the formidable mountains of the Andes; and, through the interposition of Providence, our victorious arms have given liberty to a million and a half of the inhabitants of the New World.

I pray your Excellency to accept the assurance of my respectful consideration, and my desire to strengthen the bonds of union and mutual interest between the two nations.

God preserve you many years.

J. M. DE PUEYRREDON.

No. 5.

Commission of Mr. Aguirre from Chili.

The Supreme Director of the State of Chili, &c.

It being important to the maintenance and advancement of the provinces under my command to have therein all those resources of armament which, being useful to the army as well as to the navy, may protect them from invasion, and wrest them from the hands of the enemies of our liberty, I have, therefore, with a view to accomplish the said object, given and granted full power and authority to Don Manuel de Aguirre, to enter into and set on foot all such negotiations as may be relative to the purchase of vessels of war, including a frigate, completely armed and equipped; also, for the purchase of all descriptions of arms, warlike stores, and supplies, useful to the army; it being understood that the value of the different kinds which he is commissioned to purchase or stipulate for, and the transport thereof to Chili, are to be fully paid for upon due verification of the same, and that, for the fulfilment of this promise, all the interests of the public fund, and of the State of Chili in general, are made responsible.

In testimony whereof, I have ordered the present to be executed. Signed by me, sealed with the arms of this Government, and countersigned by my Minister of State, in the city of Santiago de Chili, this 8th day of March, 1817.

BERNARDO O'HIGGINS.

MIGUEL ZANARTU,

Minister of State.

No. 6.

Commission to Don Manuel H. de Aguirre, granted by the Supreme Director of the United Provinces of South America.

The Supreme Director of the United Provinces of South America.

Inasmuch as it is necessary to appoint a person who, in the character of agent of this Government near that of the United States of North America, may promote whatever conduces to the progress of the cause in which these provinces are engaged, to their honor, and the consolidation of the great work of our liberty; therefore, the necessary qualities of probity, capacity, and patriotism, uniting in the Commissary General of War, citizen Don Manuel Hermenegildo de Aguirre, I have appointed him agent of this Gov-

ernment near that of the United States of North America, granting to him the privileges, pre-eminences, and prerogatives which belong to the said title.

In pursuance whereof, I have given the present, signed by me, countersigned by my Secretary of State for the Department of the Government and Foreign Affairs, and sealed with the seal of the national arms. Given at Buenos Ayres, the 28th day of March, 1817.

J. M. DE PUEYRREDON.

GREGORIO TAGLE,

Minister of State.

No. 7.

Don Bernardo O'Higgins to the President of the United States.

SANTIAGO, IN CHILI, April 1, 1817.

MOST EXCELLENT SIR: The beautiful kingdom of Chili having been re-established on the 12th of February last by the army of the United Provinces of Rio de la Plata, under the command of the brave General Don José de St. Martin, and the supreme direction of the State being conferred on me by the choice of the people, it becomes my duty to announce to the world the new asylum which these countries offer to the industry and friendship of the citizens of all nations of the globe.

The inhabitants of Chili, having thus re-assumed their natural rights, will not hereafter submit to be despoiled of their just prerogatives, nor tolerate the sordid and pernicious policy of the Spanish Cabinet. In its numerous population, and the riches of its soil, Chili presents the basis of a solid and durable power, to which the independence of this precious portion of the New World will give the fullest security. The knowledge and resources of the neighboring nation of Peru, which has resolved to support our emancipation, encourage the hope of the future prosperity of these regions, and of the establishment, on liberal grounds, of a commercial and political intercourse with all nations. If the cause of humanity interests the feelings of your Excellency and the identity of the principles of our present contest with those which formerly prompted the United States to assert their independence disposes your Government and people favorable towards our cause, your Excellency will always find me most earnestly desirous of promoting the commercial and friendly relations of the two countries, and of removing every obstacle to the establishment of the most perfect harmony and good understanding.

God preserve you many years.

BERNARDO O'HIGGINS.

No. 8.

Translation of a letter from the Supreme Director Pueyrredon to the President of the United States, dated

APRIL 28, 1817.

When the interests of sound policy are in accord with the principles of justice, nothing is

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more easy or more pleasing than the maintenance of harmony and good understanding between Powers which are connected by close relations. This seems to be exactly the case in which the United States and these provinces stand with respect to each other; a flattering situation, which gives the signal of our success, and forms our best apology.

It is on this occasion that citizen Don Manuel Hermenegildo de Aguirre, Commissary General of War, is deputed towards you in the character of the agent of this Government. If his commendable qualities are the best pledge of the faithful discharge of his commission and of its favorable issue, the upright and generous sentiments of your Excellency are not less auspicious to it. The concurrence of these circumstances induces me to hope the most favorable results.

I trust, therefore, that your Excellency will be pleased to grant to the said citizen Aguirre all the protection and consideration required by his diplomatic rank and the actual state of our relations. This will be a new tie, by which the United States of the North will more effectually secure the gratitude and affection of the free provinces of the South.

PUEYRREDON.

No. 9.

Don José San Martín, General of the Army of the Andes, to the President of the United States.

MOST EXCELLENT SIR: Charged by the Supreme Director of the provinces of South America with the command of the army of the Andes, Heaven crowned my forces with a victory on the 12th of February over the oppressors of the beautiful kingdom of Chili. The sacred rights of nature being restored to the inhabitants of this country by the influence of the national arms and the efficacious impulse of my Government, fortune has opened a favorable field to new enterprises, which secure the power of liberty and the ruin of the enemies of America. Towards securing and consolidating this object, the Supreme Director of the Government of Chili has considered, as a principal instrument, the armament in these States of a squadron destined to the Pacific ocean, which, united to the forces that are preparing in the river La Plata, may co-operate in sustaining the ulterior military operations of the army under my command in South America; and, convinced of the advantages which our actual political situation promises, I have crossed the Andes in order to concert in that capital, among other things, the guaranty of my Government, and, in compliance with the stipulations between the Supreme Director of Chili and its intimate ally, to carry into effect the plan which has been confided to Don Manuel Aguirre. Your Excellency, who enjoys the honor of presiding over a free people, who contended and shed their blood in a similar cause to that in which the inhabitants of South America are now engaged, will, I hope, deign to extend to the above-named person such protection as is compatible with the

actual relations of your Government; and I have the high satisfaction of assuring your Excellency that the arms of the country, under my orders, will not fail to give consistency and respect to the promises of both Governments.

I am happy in having this agreeable occasion to pay a tribute to your Excellency of the homage and profound respect with which I have the honor to be, your Excellency's most humble servant,

JOSE DE SAN MARTIN.

No. 10.

Don Caetano Bezares to the Secretary of State.

PALACE OF THE GOVERNMENT,

Pampatar, May 22, 1817.

The Executive Department of the Confederate States of Venezuela has charged me to transmit to his Excellency the President of the United States, through your hands, the annexed copies of the act of the happy re-establishment of the Congress of Venezuela, the exercise of its powers, and other particulars therein contained.

Be pleased sir, to lay the whole before his Excellency, and assure him that this Government will have the highest satisfaction in communicating to him whatever may occur hereafter.

May Heaven preserve your life for the general good of mankind, and the prosperity of your Republic.

CAETANO BEZARES,
Secretary of State ad interim.

SECRETARY OF FOREIGN AFFAIRS, U. S.

No. 11.

The President of the United States of Venezuela to His Excellency the President of the Republic of the North, communicating the re-establishment of the Federative Government of the provinces of Costa Firme, (the Main.)

FEDERAL PALACE, PAMPATAR,
May 21, 1817.—7th.

MOST EXCELLENT SIR: The fortune of arms, which decides the fate of empires, and a disastrous combination of circumstances well known to your Government, have interrupted the progress of this Republic, established by a proclamation of the 5th June, 1811, and occasioned the capitulation of the 26th July, 1812, entered into between the Commander-in-Chief of the patriot army, Francisco Miranda, and Don Domingo Monteverde, commander of the Spanish forces, which compact, shamefully violated in the end, has drawn on Venezuela the signal disasters this country has yet to deplore, and of which you have received information through citizens Scott and Lowry, who were eye-witnesses of those events. This has been followed alternately by prosperous and adverse fortune, which this continent has experienced since the year 1812. To this date nothing more propitious has presented itself than the reinstatement of the Federative Government, which was brought about on the 8th of the present month in the city of San Felipe

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de Cariaco, within the jurisdiction of the State of Cumana, by the legal proceedings, which your Excellency may perceive by reference to the official documents which, in the name of the Executive department, I have the honor of forwarding to you. And I have to assure your Excellency that, having wrested Venezuela from the hands of the enemies of her liberty and independence in almost every part of the seven provinces of the Confederation, she desires nothing more earnestly than to extend her relations with her brethren of North America, identified as they are by nature, and by political and republican principles, with the great family of the South.

Venezuela, at the first period of its emancipation, deputed to your Republic two of its citizens, John Vicente Bolivar and Talisfero Orea, both furnished with credentials and competent powers to transact all business, and who had it expressly in charge to assure your Excellency of the ardent wishes of the people of Venezuela to make such arrangements as would conduce to the happiness of both nations. The state of affairs in Europe at that period retarded the success which Caraccas promised herself by the acknowledgment of her independence by the Republic of the North; but a change having taken place, and a sentiment favorable to our cause extended throughout the continent of Colombia, the Government of this people, whom I represent, does not doubt that your Excellency, taking into consideration the mutual interests which we propose, will give your concurrence, in as far as depends on yourself, towards the establishment of diplomatic arrangements and stipulations, which citizen Joseph Cortes Madariaga has it in charge to open; and, being assured of the noble qualities attached to your Excellency, I flatter myself that our negotiations will be speedily concluded.

The Executive Department has the honor to tender to your Excellency the homage of this Republic, and the high consideration and respect with which, in its name, I remain

Your Excellency's most obedient servant,
FRSO. XAVIER DE MAYS,
President pro tempore.

CITY OF SAN FELIPE DE CARIACO,
May 8, 1817.

His Excellency General Santiago Marino, second in command of the Republic, having by note called upon the following persons to assemble in a meeting, namely, his Excellency Admiral Luis Brion, commander of the naval forces, the Intendant General Antonio Zea, Joseph Cortes Madariaga, canon of the holy church of Caraccas, Jacobo Xavier Mays, who acted as president of the executive department at the time of the recess of the Congress of Venezuela, Francisco Xavier de Alcala, Diego Valenilla, Diego Antonio Alcala, Manuel Ysaba, Francisco de Paula Naval, Diego Bautista Urbanesa, and Manuel Maneyro, he thus addressed them:

Citizens: Never have I experienced greater satisfaction than on the present occasion, in seeing

you truly reunited to deliberate on the most proper measures to be adopted for the safety of our country, under such extraordinary political events, which have induced our illustrious compatriot, José Cortes Madariaga, to attend as supreme chief, in whose name, and at whose request, I have the honor of addressing you as second in command.

The above honorable citizen, José Cortes Madariaga, here present, will explain to you his sentiments and reasons; that you will be able to judge for yourselves whether they be not of such weight as to induce you to institute immediately a provincial Government, without calling together deputies, whose election cannot be effected soon enough, in consequence of the state of commotion and war in which our country is placed.

No one can be ignorant that, in all its reverses, our Republic has not had a firmer supporter or a warmer friend than our incomparable patriot and citizen General Simon Bolivar, all whose designs have been directed to the re-establishment of the representative Government, which the people had fixed upon as their fundamental constitution, but vested with more energy, force, and unity. This has been his most ardent desire, and the object for which he has twice convoked the Congress; the assembling of which, as I have before observed, has been retarded by political machinations and military commotions. But, in consequence of the extraordinary circumstances above alluded to, I have thought proper to do, in the name and at the instance of the supreme chief, what would be done by him if present; and that is, to propose a provisional Government, conformable to the constitution decreed by the Congress of Venezuela. Whilst the deputies to the new Congress are reassembling, he will proceed to make such reforms and modifications as may be deemed necessary in our political institutions. It is on this subject I wish to obtain your sentiments and advice, after hearing citizen Cortes.

Citizen Cortes followed, and observed:

That, animated by sentiments of friendship and attachment towards the South Venezuelans, and their noble compatriots, particularly since the year 1812, he should pass over the series of reverses, in the course of which a multitude of persons, of all ages, sexes, and professions, who, by their numbers, virtues, valor, and wisdom, aggrandized the States of the Confederacy, had been swept away by the calamities of an exterminating warfare, declared and carried on against us by our enemies; and having heard, through the most respectable channel, of the public expression, that the time had arrived when South America should arise, in all its dignity, and declare itself in the face of the world, he had taken a considerable journey, and repaired to this continent from the Windward islands, for the express purpose of imparting to his fellow-citizens the favorable tidings which led him to hope that Venezuela will be included in the common prosperity of South America within the present year; and, by means of its exterior relations, contribute to the inspiring of confidence, and establishing its eman-

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cipation on a solid and permanent basis, worthy of this precious portion of the globe. He declared, moreover, that he abstained, through delicacy, from making, on this occasion, certain other reflections of great importance, which he had communicated in his official correspondence with the supreme chief of the republic to General Marino, second in command, and to the admiral of the squadron; and being convinced of their weight and importance, the two latter gentlemen had given proofs of the respect with which they had received his communications. Referring himself to the president as to their contents, he concluded by recommending anew the imperious necessity of the measure, and called for the prompt establishment of the Government.

The Admiral next addressed the assembly in the following manner:

Fellow-citizens and brothers :

Nothing has filled with greater pleasure an adopted son of Venezuela than the presence of this respectable assembly, called together by the second in command, who is vested with the powers of the first, on a subject so important to the salvation of our country; his name from this day will be immortalized, having complied with the wishes of the sovereign people of Venezuela, and fulfilled those of our sovereign chief. I felicitate you, brothers, on so wise a step, and I have the satisfaction of announcing to you, for your own, that the sacrifices which I have made to this day in the service of my country, are nothing in comparison to what I pledge myself to consecrate to it henceforward; convinced as I am that a Government, stable and energetic, by supporting our own force, will likewise induce our foreign friends to extend to us the hand of friendship, and contribute to the maintenance of our liberty and independence. They are already well disposed. They are acquainted with the integrity of my principles. They know that I have not shrunk from any fatigues or exertions in the cause of Venezuela; and, with the aid of the squadron under my command, they only wait to co-operate with your virtue, union, and wisdom, in consolidating the republic and increasing its respectability.

All of the speakers were of a unanimous opinion on the subject proposed, and demonstrated, with great energy, the necessity of immediately establishing the provisional Government proposed by his Excellency; applauding, at the same time, his patriotic determination, and adding, that he would do immortal honor to the republic if he would immediately consent to be installed, and that they should re-establish, as well as circumstances would admit of, the Government of the constitution. They urged, by many important arguments, the political considerations which had rendered this measure indispensable and urgent; and showed, by the most solid reasoning and conclusive references, that the measure was conformable to the unanimous voice of the people, to the upright and well-known wishes of the supreme chief, and to the interests of mankind.

The President then rose, and observed :

Approving as I do of your resolution, and believing it to be conformable to the patriotic views of the supreme chief, and to the sentiments which he has so often expressed in all his proclamations, I declare, in the presence of the Supreme Being and of the people of Venezuela, whom you represent, that the Supreme Congress of the republic is, from this moment, installed; and I resign into your hands the supreme authority, which, by the act passed at Margarita, was conferred, in the first instance, on General Simon Bolivar, and by him on me, acting in his and my own name, in virtue of the republican principles which we both possess, and which equally animate all our friends and companions in arms, who have with so much valor and glory defended the holy cause of liberty and independence. I retire, that you may freely deliberate on what may be most conducive to the safety of the State, requesting you only to hold in mind that my highest ambition is to shed my blood in combatting for the independence of my country, and that I do not aspire to or desire any higher honor from the republic than to contribute, in favor of my friends and fellow-citizens, to the establishment of the blessings of liberty.

His Excellency, being in the act of withdrawing from the assembly, accompanied by the Admiral, Intendant, and the canon Cortes, called upon the officer of the guard, and ordered him to place himself at the disposal of the Congress, the senior member of which proceeded to occupy the seat of the President, and, all the members standing, the oath prescribed by the Federal Constitution, according to the form therein laid down, was administered to them by the citizen and Secretary Diego Bautista Urbanesa, qualified for that purpose. They then entered into a discussion on the various points relating to the object for which the assembly was called, and, after deliberating and agreeing unanimously on all of them—

The citizen President read the following act :

CITY OF SAN FELIPE DE CARIACO,

On the 8th day of May, 1817.

We, the representatives of the United States of Venezuela, Francisco Xavier Mays, deputy to the Federal Congress for the State of Cumana, a member of the executive department, and President of the same (in rotation) at the time of its recess at Valencia, on the 9th of May, 1812, Francisco Xavier de Alcala, Manuel Ysaba, Diego Valenilla, Francisco de Paula Naval, Diego Antonio Alcala, Diego Bautista Urbanesa, and Manuel Maneyro.

On mature deliberation, and with a free will, formally decree: That, from this time, we resume the constitutional character and representation, in the full and absolute possession of which we have been reinstated by the distinguished General Santiago Marino, in the name of the supreme chief of the republic, the meritorious citizen Simon Bolivar, and in his own person, as second chief of the State, and, consequently, at this moment holding in his hands the reins of govern-

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ment; and we make known to all the people of the Confederacy, and call upon the Supreme Being to witness the purity of our intentions, that, from this date, the Federal Government of the republic is reinstated in its three departments, Legislative, Executive, and Judicial, for the requisite despatch of all business to them respectively appertaining; and we therefore appoint, for the administration of the Executive Government, citizen General Ferdinando del Toro, citizen Francisco Xavier Mays, who were heretofore members of the said department; also, citizens General Simon Bolivar, Francisco Zea, José Cortes Madariaga, and Diego Valenilla; it being understood that the three latter shall exercise the power only *ad interim*, until the honorable citizens Toro and Bolivar, now absent, shall repair to such city as may be designated for the residence of the Government. To the judicial department we appoint citizens Juan Martinez, José Espana, Gaspar Marcana, and Ramon Cadiz; the latter for the judicial administration.

And as, in consequence of the weighty and momentous considerations which have determined our most excellent fellow-citizens now acting as chiefs *ad interim* of the Republic, to divest themselves of the attributes of administration, and restore them, through the medium of the Government, reinstated by the indefatigable zeal of both for the salvation of the country, which has thus recovered its political rank, it is necessary that a new oath should be administered to the functionaries and authorities, both civil and military, of the departments that have regained their liberty, and successively of those which shall regain it; and begin forthwith with those of this city, I name and appoint to-morrow morning at nine o'clock for them to take the said oath before us; and that proper orders to all public functionaries, absent in foreign countries, be given to present themselves, within the space of thirty days, in the city of Annunciation, the capital of the State of Margarita, which, under existing circumstances, being most conveniently situated, and of the most easy and free access, we name, for the present, the residence of the Federal Government, with the faculty of removing the same to any other capital on the continent which may appear most convenient. And if it shall be made to appear that the said public functionaries shall, without just and lawful motives, fail to comply with this summons, they shall, by that act itself, be understood as having forfeited their rights of citizenship, and, consequently, every civil and military right in the Republic.

We finally implore the mercy of the Most High, in the humble hope that he will vouchsafe to protect us; and we solemnly declare, in his presence, and that of all the people of the earth, that the sole object of our unremitting endeavors is to preserve in the enjoyment of peace and liberty the virtuous remains of the great Venezuelan family, saved by the special interposition of his adorable goodness, from the savage fury and destruction of despotism; protesting before him, that our determination is sooner to bury

ourselves under the ruins of the Republic, than to return to the slavery and chains we have endured for three centuries, which, after the bright example of our brethren of Colombia, we have broken forever. And be it known to all, that we, the representatives who have herunto subscribed, are firmly resolved, and do solemnly promise and engage, by all the most sacred obligations which bind in one, both politically and morally, to seal with our blood this our patriotic resolution.

That this act, together with the requisite exposition of the motives which have produced it, be communicated to General Simon Bolivar; and that he be invited, so soon as his military duties will permit, to come and take possession of a station in which he will not fail to render the Republic immortal services, and worthy of his name. That certified copies of this act be transmitted to all the chief officers of the departments, both civil and military; and that the Commander-in-Chief of the Army, and the admiral of the squadron, be notified of the result of the proceedings of the Federal Assembly, that they may concur with the Executive power in taking the oath, and communicating its orders, to the end that the said oath be taken both by the Army and Navy. That it be publicly proclaimed in this city, and all the towns of the federation, and that, by public festivals and rejoicings, the general joy be manifested on the restoration of the national sovereignty under a formal constitution, which, being tempered and modified agreeably to the lights of the age and the lessons of experience, will be the safeguard of our independence and liberty.

Whereupon the sitting closed, and they signed, namely: Francisco Xavier de Mays, President; Manuel Ysaba, Diego de Valenilla, Francisco Xavier Alcala, Diego Antonio Alcala, Francisco de Paula Naval, Manuel Maneyro, Diego Bautista Urbanesa, secretary, with the power of taking the votes.

In the city of San Felipe de Cariaco, this 9th day of May, 1817, the Federal Congress having thus re-assembled, there appeared before it the citizens, the Commander-in-chief of the armies of the Republic, and commander of the armed force, Santiago Marino, and Admiral Luis Brion, who, having taken the oath before the President, and me, the aforesaid Secretary, agreeably to the form prescribed by the federal Constitution of Venezuela, recognised and acknowledged the sovereign authority vested in this body, and other authorities derived from it, promising and engaging to obey and support the federative compact expressed and set forth in the said code. In like manner, the citizen Francisco Xavier Mays withdrawing from the Presidential chair, and the citizen Francisco Xavier Alcala occupying it in his place, the oath was taken in the same form by the three members who are to enter into the discharge of the Executive power, namely, citizen Francisco Xavier Mays, Francisco Antonio Zea, and José Cortes Madariaga, who were thereupon invested with the functions attached to their high office (the two latter in the quality of provisional members) until the appearance of the

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Generals Bolivar and Toro. And the Assembly having verified this act, and taken into consideration the existing circumstances, declared itself in a state of adjournment, to which the following members subscribed their signatures: Francisco Xavier de Mays, Francisco Antonio Zea, José Cortes Madariaga, Santiago Marino, Luis Brion, Francisco Xavier Alcala, Diego Valenilla, Manuel Ysaba, Diego Antonio Alcala, Francisco de Paula Naval, Manuel Maneyro, Diego Bautista Urbanesa, (*vocal secretario*) Secretary authorized to take the votes. A true copy:

C. BESARES, *Acting Sec. of State.*

No. 12.

General Artigas to James Monroe, President of the United States of North America.

HEADQUARTERS AT PURIFICATION,
September 1, 1817.

MOST EXCELLENT SIR: I had the honor to communicate, in the first instance, with Mr. Thomas Lloyd Halsey, Consul of the United States in these provinces, and I have to congratulate myself on so fortunate an incident. I have tendered to him my respects and all my services; and I will avail myself of this favorable occasion of presenting to your Excellency my most cordial respect.

The various events of the revolution have hitherto deprived me of the opportunity of according this duty with my wishes. I pray your Excellency to be pleased to accept them, now that I have the honor to offer them to you, with the same sincerity that I strive to promote the public weal and the glory of the Republic. To their support are all my efforts directed, aided by the sacrifices of thousands of my fellow-citizens. Heaven grant our wishes!

In that event I shall renew to your Excellency, still more warmly, the assurance of my cordial regard, and of the high consideration with which

I have the honor to be, sir, yours, &c.

JOSE ARTIGAS.

No. 13.

Mr. Aguirre to the President of the United States of North America.

WASHINGTON, Oct. 29, 1817.

MOST EXCELLENT SIR: Three centuries of colonial oppression by a corrupt, superstitious, and ignorant nation, whose obstinate and iniquitous policy ever has been to vilify the inhabitants of South America, as being destined to vegetate in obscurity and debasement; (such are the expressions of the Viceroy Albancos;) the violent system of keeping them in ignorance of all information in compatible with its principles of colonial dependence; the perverse policy of denying to the children of the mother country, and their lawful descendants on the American continent, the rights of citizens in the exercise of a practical equality; the exclusive monopoly of commerce despotically exercised, regulated by the laws solely in favor of

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the mother country, and maintained by force at the price of the blood of innocent victims, natives of the country; the black ingratitude with which it has conducted itself towards the capital of Buenos Ayres, after having so gallantly and energetically defended the Spanish dominion against the English army under General Beresford in 1806, and the army of 12,000 men of the same nation, commanded by General Whitelock in 1807; finally, the infamous engagement to force them, against their consent, to submit to the yoke which the Emperor Napoleon (an instrument, as it were, of divine justice for the chastisement of thrones) imposed upon Spain, to avenge the bloody usurpations of the Empires of Mexico and Peru, prepared these people, on the 25th of May, 1810, for their separation from the Spanish nation, already conquered by the French, not to admit the additional circumstance that the inhabitants of these provinces preserved them for the captive King Don Ferdinand VII. and his lawful successors.

On the restoration of the King of Spain to his throne, a sufficient time was afforded to give him the opportunity of correcting his counsels, stating the grievances and injuries he complained of, and finally of proposing an honorable termination of these differences. Although the deputy had not yet arrived at the Court of Madrid, the King had already despatched his inexorable and bloody decrees; and the expedition under General Morillo crossed the seas to wage a war of devastation on these countries. The natural right of self-defence imposed the necessity of taking measures to repel force by force. Hostile armies were the worst means which could be employed to bring about an accommodation.

When the deputy of the Court of Madrid informed this Government that the King of Spain insisted on leaving no other alternative than the most abject submission, and that he claimed these provinces as the property of his crown, (doubtless to make them the victims to Spanish vengeance,) then it was that the sovereign Congress of these provinces having assembled did, in imitation of the example of their brethren and natural friends of North America, unanimously proclaim, in the city of Tucuman, on the 9th day of July, 1816, the solemn act of their civil independence of the Spanish nation, of the King of Spain, his heirs and successors, and did swear, together with the people represented by them, to support their political emancipation at the risk of their lives, fortunes, and honor.

God preserve your Excellency many years.

MANUEL H. DE AGUIRRE.

No. 14.

Don Manuel H. de Aguirre to the Secretary of State.

CITY OF WASHINGTON,
December 16, 1817.

MOST EXCELLENT SIR: Having had the honor to inform you in October last, that the United Provinces in South America had declared themselves free and independent States, and to lay be-

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fore you the reasons which supported that declaration, together with the object and credentials of my mission to the Government of the United States, the respect I owe to the instructions of my constituents, and the due discharge of the trust with which they have honored me, now induce me to demand of this Government the acknowledgment of those provinces as such free and independent States.

By my previous communications, you will have perceived that this declaration was not premature, and that the provinces of Rio de la Plata abstained from making it whilst it could have been attributed to the effect of the difficulties of the mother country. They held so lofty a conception to be among the obligations which they were about to contract on placing themselves in the rank of nations; and, before they cut short the interminable catalogue of vexatious and patient sufferings of which Spanish America offers so striking an example, they preferred exhausting all the means of conciliation which prudence could suggest, and proving whether their own conviction of their rights, and of the injuries they had suffered, would rise superior to their ancient habit of submission and obedience, and whether they were able to surmount the obstacles and embarrassments inseparable from their new situation. It was after repeated proofs of this kind, and after uniform results, that the Congress of those provinces declared them sovereign States, on the 9th of July, 1816.

Notwithstanding all these proofs and precautions, the respect due to foreign nations made my Government anxious farther to obtain an attitude which might inspire greater confidence before it asked of them to acknowledge her as worthy of the high rank to which she had raised herself. During the space of six years previous to their declaration of independence, the forces of these provinces had obtained signal successes on the eastern border, having captured the whole of the royal squadron which attacked them; reduced one of the strongest places in our hemisphere, after a memorable siege, and made prisoners of war the strong garrison which defended it; and if victory was not always the inseparable companion of our arms in Peru, it was often so, and enabled us to drive back the satellites of tyranny to a greater distance from our territories.

Almost eighteen months have passed since this declaration—eighteen months, during which the King's forces have had no other object in view than to rivet anew the chains which Spanish America had burst asunder and shaken off. If such an undertaking had been within the power of Spain, she never could have had a more favorable opportunity than at present, when she has had at her disposal, disengaged from any other calls of service, an army numerous and warlike, and the aids of all who interest themselves in perpetuating the monopoly and subjection of our country. It is true that Spain proceeded to fit out an expedition the most brilliant that was ever employed in the subjugation of our continent; but this expedition, although repeatedly re-

inforced, has scarcely been able to maintain its ground with honor in a single province; consumed as it has been by the dreadful phenomena of nature, and, above all, by a six years' war of the most sanguinary and exasperated character; while the provinces of Rio de la Plata have not only been able, during all that time, to preserve the precious treasure of their liberty, but to bestow it, without foreign aid, on their brethren of Chili, and to force the King's troops to retire towards Peru, which, having been reinforced by fresh detachments, had ventured to show themselves on our territory. It is under such circumstances, it is after having shown and proven the grounds and motives of its declaration, and the means it possesses to support it, that my Government has thought it conformable to the respect due to nations to make it known to them, and to solicit their acknowledgment of its sovereignty.

My Government, considering that of the United States as one of the first of whom it ought to solicit this acknowledgment, believed that the identity of political principles, the consideration of their inhabiting the same hemisphere, and the sympathy so natural to those who have experienced similar evils, would be so many additional reasons in support of its anxiety. There still exist, there still preside over the councils of the nation, many of those who supported and sealed here with their blood the rights of man; their wounds, permit me to say so, are so many powerful advocates here for the Spanish Americans. The recollection that it was these States which first pointed out to us the path of glory, and the evidence that they are enjoying most fully the blessed effects of liberty, inspire me with the conviction that it is for them also to show that they know how to appreciate our efforts, and thereby animate the other provinces which, less fortunate, have not yet been able to put an end to the sanguinary struggle.

I cannot close this communication without requesting you to make known to the President the wishes of the United Provinces in South America; and, also, to represent to him their earnest desire to see firmly established, between these States and those provinces, relations mutually beneficial, suited to Governments and people whose institutions are so analogous, and all whose interests invite them to promote and maintain a close and permanent friendship.

God preserve you many years.

MANUEL H. DE AGUIRRE.

No. 15.

Don Manuel H. de Aguirre to the Secretary of State.

DECEMBER 26, 1817.

SIR: I had the honor to inform you, on the 16th of this month, that the United Provinces of South America, having declared themselves free and independent, had made a request to be considered as such by these United States; and, as you expressed a desire, in the conference with which you honored me the day before yesterday, to be more fully informed of the grounds on

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which those provinces formed their request, I now comply with your desire.

In my said note I particularly stated the circumspection with which my Government had proceeded, and the precautions it had taken from a sense of its own honor, and the respect due to other nations, before it required to be considered by them as a sovereign Power. You were pleased to remark on the uncertainty of establishing a new Government, and the hesitation naturally produced by such a request; and you preferred that it should be delayed, or not made until all doubt was removed of the real existence and duration of their sovereignty, and they have given a pledge to foreign nations that there existed no intention to commit them by making this request.

For more than seven years have these provinces carried on, alone, an active and successful war. The evidences of their successes have been witnessed in the capture of the royal squadron, the occupation of Montevideo, the numerous prisoners of war who fertilize our fields, the chastisement of the King's forces in Peru, and the recovery of the provinces of Chili. Meanwhile, our interior organization has been progressively improving. Our people have made an essay in the science of government, and have appointed a congress of representatives, which is engaged in promoting the general weal. A plan of military defence has been formed, in which we were before deficient, and a system of revenue organized that has hitherto been competent to provide for our numerous wants; finally, public opinion is daily gaining ground, unsupported by which the Government would have been unable to undertake the enterprises which have distinguished it.

The strength of our oppressors diminishing with the increase of our means of defence, their hopes declining of longer tyrannizing over us, a regular system of government, the decision of our citizens, a competent revenue, an organized force sufficiently strong for the defence of the country, a squadron afloat, a disposable army in Chili, and a second operating in Peru—all this must surely undeceive our enemies, even if the habit of authority should still flatter them with hopes.

Notwithstanding the professions of neutrality on the part of the United States, towards the contending parties in Spanish America; notwithstanding the indifference, if I may say so, with which the United States have looked on a country deluged with blood by its tyrants, I would not offend you, sir, by the idea that you consider it necessary that we should offer proofs of the justice of our cause. The few of our sufferings that have come to the knowledge of foreign nations have filled them with horror and indignation; never was the human race so debased elsewhere as we have been; never did men draw their swords in a more sacred cause. But the provinces of Rio de la Plata mean not to excite the sensibility of the United States. They only call upon their justice. The contest

in South America can be viewed in no other light than as a civil war; and I have proven to you, sir, the prosperous and respectable attitude of those provinces. Are they, then, to be thought worthy of being ranked among nations? Do their full enjoyment of all the rights of sovereignty for more than seven years, their successes, and present position, give them a right to become one?

The apprehension that this acknowledgment might involve the United States in a war with the chief of the adverse party could not be justly considered by my Government as a sufficient motive to prevent their soliciting it; since, however little of justice or prudence may be found in the councils of the King of Spain, even that would suffice to prove that other nations have distinct and fixed rules whereby to estimate political successes: that, practically, they acknowledge no other sovereign power than that which is so *de facto*; that they can inquire no further without interfering with the internal concerns of other nations; and that, when a nation is divided into two parties, or the bonds of the political compact between the monarch and the people happen to be otherwise broken, they both have equal rights, and owe the same obligations to neutral nations. It follows, therefore, that the contending parties in Spanish America are not subjected to different rules.

If these rules may sometimes be varied, or admit of any alteration, the exception should always be in favor of the oppressed against the oppressor. It is therefore strongly contended by many of the most celebrated civilians, "that in all revolutions produced by the tyranny of the prince, foreign nations have a right to assist an oppressed people;" a right dictated by justice and generosity. Now it cannot be supposed that the observance of justice ever gave a pretext for war to the party or nation most interested in a different conduct. Since, therefore, my Government has limited its pretensions to the acknowledgment of its real and effective sovereignty, which even our adversary himself would not call in question, it considers itself authorized to take this step, by the practice of nations, by public opinion, and the sanction of eternal justice.

In our late conference, you appeared to find an objection in the occupation of Montevideo by the Portuguese troops. But if credit is to be given to the correspondence between my Government and that of Brazil, the principal motive for this war is the ancient pretension of the King of Brazil to more extensive limits. It will probably be impossible for him to obtain them, as one of our most distinguished commanders, supported by the most ample resources, is now engaged in repelling them; and notwithstanding the double family ties which now connect that Sovereign with the King of Spain, our national existence, so far from being seriously threatened by the war in that quarter, [La Banda Oriental,] is strengthened by it. You also remarked, that similar pretensions had been formed by other provinces of Spanish America now contending

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for their liberties. Would to Heaven that they all could now offer to this Government the same proof of their effective sovereignty, and equal pledges of their respective preponderating power! Humanity would then have much fewer evils to deplore, and all America would exhibit a united people, only rivalling with each other in the art of improving their civil institutions, and extending the blessings and enjoyment of social order.

When I contemplate the distinguished part the United States may take in realizing this grand enterprise, and consider how much it is in their power to hasten this happy period, only by giving an example of national justice, in acknowledging the independence of those Governments who so gloriously and by so many sacrifices have known how to obtain it, my reason persuades me that the wishes of the United Provinces cannot fail to be speedily accomplished.

I have the honor to renew to you, sir, the assurances of my highest consideration, and pray God to preserve you many years.

MANUEL H. DE AGUIRRE.

—
No. 16.

Don Manuel H. de Aguirre to the Secretary of State.

CITY OF WASHINGTON, Dec. 29, 1817.

SIR: It is painful to me to trespass on your attention with complaints; but I should be wanting both to the trust committed to me by my Government, and my duty to my country, if, after being informed of the purport and effect of the law passed on the 3d of March last, for the more effectual preservation of the neutral relations of the United States, I did not represent to you that its effects bear hard only on those who are struggling for the independence of Spanish America.

By the law and usages of nations, neutrals are forbidden, if I am not mistaken, to afford any active aid to any of the contending parties; to sanction any law granting or refusing privileges to one, which are not at the same time effectually granted or refused to the other; and, in fine, to change their commercial or other regulations, so as to improve the condition of the one to the exclusion of the other.

If, on comparing the abovementioned law with this doctrine, and observing that whether we look to the time of its enactment or the period of its duration, it could only be applicable to the contest now carrying on in South America, we cannot but be surprised that it tends so directly to injure those who are defending themselves against the most horrible tyranny; and not only prohibits the irregularities arising from the deficiency of measures to preserve a strict neutrality, but also prohibits or subjects to bonds, amounting to a prohibition, the exportation of arms and ammunition, or any other mercantile operation which may be considered as calculated to aid, or in any manner to co-operate in, any measure of hostility.

If you permit me, sir, to point out the effect of that law upon those provinces which, although

engaged in the same cause with those of Rio de la Plata, are, notwithstanding, under distinct Governments, I would observe that their state of defence is much inferior to that of the enemy; that some of them, perhaps, have not the means of increasing it, if the nearest neutral nation shuts their markets against them; and that the law which subjects them to the impossibility, or increases the difficulty, of augmenting their means of defence, has a direct tendency to promote their subjugation. The unequal effects of this law are still more evident, if we consider that, while it immediately deprives several of those provinces of the most essential supplies, it allows their enemies to draw supplies from hence, without which their troops could not move a step. It cannot be possible that, in refusing all manner of aid to those who are engaged in our bloody struggle, the United States should so far restrict their commerce as to prohibit the exportation of provisions.

I shall abstain from calling your attention to consequences still more injurious, resulting from such a precedent; but I cannot avoid observing that the fourth section of the law in question is evidently favorable to the King of Spain exclusively, if we attend to the time and circumstances when it passed.

I confidently rely, sir, on your laying before the President the subject of the present complaint, which nothing but the necessity of the case has compelled me to make; and also on your submitting to him, that, in our present struggle, we not only defend the rights of mankind and the best interests of civilized society, but that we are contending for the preservation of our families and for our existence.

God preserve you many years.

MANUEL H. DE AGUIRRE.

—
No. 17.

Don Manuel H. de Aguirre to the Secretary of State.

CITY OF WASHINGTON, Jan. 6, 1818.

SIR: In the last interview with which you honored me a few days ago, you were pleased to state that the act of the acknowledgment of the independence of the United Provinces in South America ought to be reduced to a formal treaty between the two independent Governments, as was practised in the case of the Treaty of Amity and Commerce between the United States and His Most Christian Majesty, in 1778.

Not considering myself, in truth, sufficiently authorized by my Government to treat with that of the United States, in special terms, I then had the honor to explain to you that my powers did not extend so far; but, keeping in view the spirit and object of my commission, (as appear by the credentials now in your possession,) namely, "to promote as far as may be the honor and consolidation of the cause in which these provinces are now engaged;" and, it appearing evident, on the other hand, to be the intention and desire of the said sovereign Congress closely to connect themselves by direct relations of mutual

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friendship and commerce with these United States, I have not the least hesitation to assure you that I consider myself fully authorized by my Government to enter into a negotiation with that of the United States on the general basis of a reciprocal amity and commerce.

I have the honor to renew to you the assurances of the highest consideration, &c.

MANUEL H. DE AGUIRRE.

No. 18.

Don Manuel H. de Aguirre to the Secretary of State.

WASHINGTON CITY, Jan. 16, 1818.

SIR: I had the honor, in my interview with you on the 13th of this month, to state to you the light in which the invasion of one of the United Provinces, by the troops of the King of Portugal, was viewed by my Government, thereby violating the neutrality which they had bound themselves to maintain conjointly with my Government. I likewise deemed it fit to inform you, that this act of invasion by a neutral nation, for the purpose of dismembering the integrity of the territory of Spanish America within its lawful limits, was considered by the councils of my Government as an act of hostility between the nations at variance, and that on this principle they had regulated their conduct towards the King of Portugal.

In the same conference, I had the satisfaction to represent to you that the trade and communication between the provinces of Rio de la Plata and the United States had no other basis than a decree of the Government of those provinces, by which a free trade is granted to foreign nations, in consequence of the imperious circumstances of the mother country in the years 1808 and 1809, and by which that Government reserved the right of limiting its duration, on the termination of the urgency of the case.

In the note which I previously had the honor to address you, I considered it my duty to express the sincere and earnest desire of my Government to establish reciprocal and close relations of amity and commerce with the United States; and you will now permit me to request you, sir, that, in making the President acquainted with these loyal sentiments, you will also inform him that it is equally its desire to establish a solid and lasting friendship, in order that the consequent predilection may have its full effect on the communication and trade between both countries.

Our Lord preserve you many years.

MANUEL H. DE AGUIRRE.

ILLEGAL ARMAMENTS — OCCUPATION OF
AMELIA ISLAND.

[Communicated to Congress, March 14, and to the House of Representatives, March 26, 1818.]

To the Senate and House of

Representatives of the United States:

In compliance with a resolution of the Senate of the 16th of December, and of the House of

Representatives of the 24th of February last, I lay before Congress a report of the Secretary of State, and the papers referred to in it, respecting the negotiation with the Government of Spain. To explain fully the nature of the differences between the United States and Spain, and the conduct of the parties, it has been found necessary to go back to an early epoch. The recent correspondence, with the documents accompanying it, will give a full view of the whole subject, and place the conduct of the United States, in every stage and under every circumstance, for justice, moderation, and a firm adherence to their rights, on the high and honorable ground which it has invariably sustained.

JAMES MONROE.

MARCH 14, 1818.

DEPARTMENT OF STATE, March 14, 1818.

The Secretary of State, to whom have been referred the resolutions of the Senate of the 16th of December, and of the House of Representatives of 24th February last, has the honor of submitting to the President the correspondence between this department and the Spanish Minister residing there, since he received the last instructions of his Government to renew the negotiation, which, at the time of the last communication to Congress, was suspended by the insufficiency of his powers. These documents will show the present state of the relations between the two Governments.

As in the remonstrance by Mr. de Onís, of the 6th of December, against the occupation by the United States of Amelia Island, he refers to a previous communication from him, denouncing the expedition of Sir Gregor McGregor against that place, his note of 6th July, being the paper thus referred to, is added to the papers now transmitted. Its date, when compared with that of the occupation of Amelia by McGregor, will show that it was written ten days after that event; and the contents of his note of 6th December will show that measures had been taken by the competent authorities of the United States to arrest McGregor as soon as the unlawfulness of his proceedings within our jurisdiction had been made known to them by legal evidence, although he was beyond the reach of the process before it could be served upon his person. The tardiness of Mr. Onís's remonstrance is of itself a decisive vindication of the magistrates of the United States against any imputation of neglect to enforce the laws; for if the Spanish Minister himself had no evidence of the project of McGregor, sufficient to warrant him in addressing a note upon the subject to this department, until ten days after it had been accomplished, it cannot be supposed that officers whose authority to act commenced only at the moment of the actual violation of the laws, and who could be justified only by clear and explicit evidence of the facts in proof of such violation, should have been apprized of the necessity of their interposition, in time to make it effectual, before the person accused had departed from this country.

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As in the recent discussions between Mr. Onís and this department there is frequent reference to those of the negotiation at Aranjuez in 1805, the correspondence between the extraordinary mission of the United States at that period and Don Pedro Cevallos, then the Minister of Foreign Affairs in Spain, will be also submitted as soon as may be, to be laid before Congress; together with the correspondence between Don Francisco Pizarro and Mr. Erving immediately preceding the transmission of new instructions to Mr. Onís, and other correspondence of Mr. Onís with this department, tending to complete the view of the relations between the two countries.

JOHN QUINCY ADAMS.

MARCH 25, 1818.

To the House of Representatives of the United States :

I transmit to the House of Representatives, in compliance with their resolution of March the 20th, such information, not heretofore communicated, as is in the possession of the Executive, relating to the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the persons who authorized, and of those who were engaged in, the invasion and previous occupancy of that island, of the unfriendly spirit towards the United States with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromise them with foreign Powers in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears by the letter of Mr. Pazos, agent of Commodore Aury, that the project of seizing the Floridas was formed and executed at a time when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding, in every stage and circumstance, was unlawful. The commission to General McGregor was granted at Philadelphia, in direct violation of a positive law; and all the measures pursued under it by him, in collecting his force and directing its movements, were equally unlawful. With the conduct of these persons I have always been unwilling to connect any of the colonial Governments, because I never could believe that they had given their sanction either to the project in its origin, or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROË.

Don Luis de Onís to the Secretary of State.

WASHINGTON, January 2, 1817.

SIR: The mischiefs resulting from the toleration of the armament of privateers in the ports of this Union, and of bringing into them, with impunity, the plunder made by these privateers on the Spanish trade, for the purpose of distributing it among those merchants who have no scruple in engaging in these piracies, have risen to such

a height, that I should be wanting in my duty if I omitted to call your attention again to this very important subject.

It is notorious that, although the speculative system of fitting out privateers and putting them under a foreign flag, one disavowed by all nations, for the purpose of destroying the Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially in those of New Orleans and Baltimore, where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed: whole squadrons of pirates having been [fitted] out from thence, in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies, without being yet checked in these courses, either by the reclamations I have made, those of His Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose.

The American privateer "Swift," which, as I mentioned to you in my note of the day before yesterday, had captured, under the name of the "Mongore," and the flag of Buenos Ayres, the Spanish polacre "Pastora," just arrived at New Bedford, is now in Baltimore river; and her captain, James Barnes, who has so scandalously violated the laws of nations, the neutrality of this Government, and the existing treaty, has had the effrontery to make a regular entry of his vessel at the custom-house of Baltimore, declaring his cargo to consist of bales and packages containing silks, laces, velvets, and other valuable articles—all, as you may suppose, plundered from the Spaniards.

The three-masted schooner called the "Intrepid," lately arrived at New York from Montevideo, is, as His Majesty's Consul there informs me, the Spanish vessel called the "Leona," captured off Cadiz by the schooner "Orb," of Baltimore, whose armament I denounced to you at the time, and communicated the positive information I had received that her object was to cruise against the subjects of the King, my master. This pirate (for that is the name by which both nations have agreed to consider a privateer of this description) was armed at Baltimore, manned by subjects of this Republic, and commanded by a Portuguese called Almeida, an American citizen.

The schooner "Leona," now at New York, under the name of the "Intrepid," and ostensibly owned by one Miffin, at Philadelphia, had on board, when captured, thirty thousand dollars in specie, three hundred boxes of sugar, some grain, with other property belonging to Moreno, De Moro, and others, merchants at Cadiz; and had a cargo of jerked beef and other articles, belonging, as I have heard, to the merchants in Baltimore who furnished the funds for equipping the "Orb."

The Consul at New Orleans informs me that the pirate Mitchell, with the vessels under his command, fitted out by different merchants at that port, of whom a Mr. Dupuy is supposed to be the principal, has lately taken several Spanish

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prizes to Galveston, and that, from the proceeds of their sales, he has remitted to the said deputies one hundred and five thousand dollars, which he has deposited in the Bank of Louisiana, after deducting the shares of the captain and crew, amounting, as is supposed, altogether, to two hundred thousand dollars. The same Consul adds, that two of the prizes, one from Campeachy and the other from Guatemala, were burnt, and their crews landed by that savage monster near Boquilla de Piedras, that they might be, as they actually were, put to death by his great friend Villapinto, a noted rebel ringleader, who, being pursued by the King's troops, had retreated to the seashore to make his escape. Of ninety men, composing these crews, only nine were saved.

The Consul at Norfolk informs me of the arrival there of a privateer schooner from Buenos Ayres, one of several fitted out at Baltimore, and wholly owned there; that, from what he has been able to ascertain, among other vessels, she plundered a Spanish ship laden with a cargo of cochineal, indigo, and specie, to the amount of more than two hundred thousand dollars, and proceeded to Baltimore to divide the spoil among the concerned. The said Consul, in the discharge of his duty, and the exercise of his rights, addressed an application to the collector of the customs, (copy of which is annexed, and also of the answer of the collector,) by which you will perceive that he declines this just reclamation. I could cite innumerable other cases, as well attested as those I have just stated, but I omit them, as their detail would fatigue you, without tending to demonstrate more effectually that they proceed from non-observance by the officers of this Government of the President's proclamation, and of the treaty of limits and navigation between the two Governments. Although His Majesty has too much confidence in the rectitude of the President to doubt that due compensation will be made for these injuries to his subjects, on the same principles as have been observed by His Majesty, on other occasions, towards the United States, yet I cannot omit requesting, in his royal name, that, in the meanwhile, the President may be authorized to take the most energetic measures required by the case, to put an end to these practices, and that he would be pleased to cause the vessels I have before mentioned to be confiscated, together with their cargoes, and security to be given by Mr. Dupuy for the amount of his deposit in the Bank of Louisiana, as being the proceeds of the Spanish prizes made by the pirate Mitchell; and that, as a general measure, every privateer coming into these ports under a flag not acknowledged be detained and sequestered, to be made responsible for the depredations committed by it.

I trust that the President will be the more disposed to accede to this request, as, in addition to its justice, it is strictly conformable to his friendly sentiments towards my Sovereign, and the humane principles by which he is characterized.

I renew to you my respects, sir, and pray God to preserve you many years.

LUIS DE ONIS.

[Enclosure in Don Luis de Onis's letter of January 2, 1817.]

SPANISH CONSUL'S OFFICE,

Norfolk, December 16, 1816.

SIR: On seeing an armed vessel in this harbor, in front of the town, displaying a flag unknown to me, and, I will venture to say, unknown to the United States, and, at any rate, not recognised by them; and there being no doubt that this vessel is one of those known to be committing great depredations at sea on the Spanish trade, and frequently also on ships of all other nations, not excepting those under the merchant flag of these States, I have thought it my duty to apply to you, to request you to give me some information respecting said armed vessel, her character and nationality, and under what authority she navigates the seas as a public or private ship of war, who commands her, and how she is manned, and in what light you view her in your official capacity?

In making these inquiries of you, I hope that you will only see a desire on my part to acquire information upon a question of vast importance to the commerce of Spain, as it affects materially the safety of her merchant ships; whether or not those sea plunderers are to find an asylum in the ports of the United States, which would so greatly increase the means of carrying on their spoliations. I am confident that it is not the wish of this Government to afford any sort of protection to a set of men (for the most part foreigners to the country they pretend to serve) who avail themselves of the dissensions which unfortunately prevail between Spain and some of her colonies, to exercise their merciless rapacity upon the inoffensive merchant, not only of Spain, but in many instances of other countries; and I am too well acquainted with your own character to suppose that you would be inclined to favor them. Indeed, the intentions and good disposition of this Government towards Spain are rendered manifest in the President's proclamation of the 1st September, 1815; and it is there forbidden to American citizens to take any part in the contentions between Spain and some of her distant possessions; and it is enjoined on all officers, civil and military, under the Government, to be vigilant in searching out and bringing to punishment all such citizens as shall act contrary to the intent of said proclamation; and there being a report in town that many of those composing the crew of the vessel in question are Americans, I have thought it necessary to call your attention to this point, not doubting that you will consider it as meriting your particular examination. I will conclude by availing myself of this opportunity to assure you of the great respect with which I remain, sir, your most obedient and humble servant,

ANTONIO A. VILLALOBOS.

CHARLES K. MALLORY, Esq.,

Collector of Norfolk and Portsmouth.

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[ANSWER.]

COLLECTOR'S OFFICE,
Norfolk, December 16, 1816.

SIR: I have had the honor to receive your note of this morning. In respect to the vessel which is the subject of it, I deem it only necessary to remark, that she is recognised in this office in no other character than that of any other foreign vessel in our waters from a foreign port; that my duty does not require of me to request her flag, so far as to make it a criterion or condition of her admission into this port; and that I shall take care, in this, as in other cases, to see that the laws of the United States and other regulations of the Government, so far as they come within the sphere of my authority, be duly observed.

I reciprocate the sentiments of respect you express for me, and am, &c.,

CHARLES K. MALLORY.

Don ANTONIO ARGOTE VILLALOBOS.

Don Luis de Onís to the Secretary of State.

WASHINGTON, Jan. 15, 1817.

SIR: On the 1st instant I informed you of the arrival, at New Bedford, of the Spanish polacre "Pastora," captured by the American privateer "Swift," under the name of the "Mongore," and the flag of Buenos Ayres, commanded by a Captain Barnes, a citizen of these States. Two days afterwards I addressed to you another note, stating the arrival, in the river and port of Baltimore, of the said privateer, with the booty piratically plundered from the subjects of the King, my master; and requesting that you would be pleased to obtain of the President such orders as would most effectually insure the confiscation both of the vessel and the privateer, that they might be made answerable for the damages justly claimed by the owners of the property. Although I am persuaded that it is the multiplicity of business that has prevented your answering my notes, yet I cannot doubt that the President will have given the orders I requested in them. Notwithstanding this, and the application made by His Majesty's Consul at Baltimore, in the discharge of his duty, to the attorney for that district, (a copy of which is annexed,) I regret to announce to you that the collector and the aforesaid attorney have thought fit to allow the said pirate to depart; and that, after having ascertained that fact, the said attorney wrote a note to His Majesty's Consul, (copy of which is enclosed,) inviting him to call at his house to confer with him on the subject of his note.

It is not my wish to trespass on your attention with the reflections that are naturally produced by such notorious proceedings, nor pointedly to notice the incivility of the attorney for that State towards a Consul of my nation; my only object is to bring to your view what has occurred in the case of the vessel that, by submitting it to the President, he may be convinced that the injuries sustained by the King's subjects in these ports, by the violation of the existing treaty between

the two nations, which has the force of a law, are daily augmenting, and that, the more they are diffused, the more difficult will it be hereafter to adjust the indemnities due to His Majesty's subjects.

I trust, sir, that you will only see in the step I now take a continued proof of my desire to restore that good understanding and sincere sense of justice between the two countries which form the basis of real harmony in every society, and that you will therefore be induced to give this subject all the attention due to its importance.

I beg leave to renew the assurances of my perfect respect, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onís to the Secretary of State.

WASHINGTON, Jan. 16, 1817.

SIR: I have just received information, from the King's Consul at New Orleans, of the capture, within sight of the Balize of that port, and at little more than musket-shot from the land, of the Spanish schooner "Hipolita," Captain Don Buenaventura March, by the pirate "Jupiter," under the Margarita flag. To enable you fully to judge of the atrociousness of this capture, manifestly in violation of the territory of the United States, I have the honor to enclose the declaration of the captain of the said schooner, made before His Majesty's Consul at the aforesaid port; by which it appears he was at anchor in the Pass of the Mississippi, and with *Pratigue*, from the Balize, on board, when he was boarded by the aforesaid pirate, and so inhumanly treated by him as to be left weltering in his blood on the deck.

It would be superfluous to affect your sensibility by a detail of the multiplied injuries and outrages incessantly sustained by His Majesty's subjects in these ports; they have already been admitted by the President in his Message to Congress, recommending the adoption of such measures as in their wisdom may appear best calculated to repress them; thereby offering to the King, my master, a pledge that his Excellency admits the necessity of indemnifying them as far as possible. It is, however, with great regret that I have to remark on the delay in carrying such urgent measures into execution, and that the injuries complained of have not been prevented by a due observance of the laws of nations and of the existing treaty, which, by the Constitution, has the force of a law in all the courts, in consequence of its ratification by the President and Senate.

I pray you, sir, to accept the assurances of my perfect consideration.

God preserve you many years.

LUIS DE ONIS.

Don Luis de Onís to the Secretary of State.

WASHINGTON, Jan. 16, 1817.

SIR: I have just learned, with the greatest satisfaction, that the marshal of Baltimore has

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despatched a boat, with a picket of soldiers, in pursuit of the pirate Mongore, which has been brought back to that port, in conformity to the orders which I had flattered myself would have been issued by the President. I shall lose no time in giving an account to His Majesty of the friendly dispositions manifested by this Government; and add the hope that this evidence of it will be the forerunner of sentiments calculated to remove every shadow of misunderstanding between the two Governments.

I offer you, sir, the renewed assurances, &c., and pray God to preserve you many years.

LUIS DE ONIS.

Mr. Onis to the Secretary of State.

FEBRUARY 10, 1817.

SIR: In addition to the schooner Hipolita, which I informed you, in my note of the 16th of last month, had been captured by the pirate Jupiter, in the pass of the Balize of New Orleans, at anchor, within musket-shot of the land, I have just received official notice of the capture, by the same pirate, of the Spanish brig called "Reyna de los Angeles," proceeding from Campeachy. This vessel was also at anchor in the Balize, very near the land, and with the pilot on board to ascend the river; but no consideration was sufficient to restrain that pirate in his injustice. I am informed that Commodore Patterson, in consequence of the reclamation made by the Consul of His Majesty in the said port, has despatched a vessel in pursuit of her, and there are appearances that he will succeed in rescuing the prizes, and placing them at the disposition of their owners; but you cannot but know that, if the perpetration of this crime go unpunished, as has been the case on other occasions, or if their escape be permitted, as has happened in Baltimore with the captain and crew of the pirate Mongore, neither the vassals of His Majesty will be able to obtain the evidence which might be drawn from their declarations, in order to reclaim their property, nor the crimes discovered that they may have committed, nor the number of these robbers be diminished, who so highly compromise the neutrality of the Government, robbing, indiscriminately, the vessels of all nations, confident that all the harm that can happen to them is, that they should be deprived of some of the proceeds of their piracies.

In proof of the solidity of these assertions, I ought to add that, at the time these captures took place at New Orleans, in violation of the territory of this Republic, General Hubbert, the chief of a band of robbers, armed and equipped in the province of Louisiana, who had occupied Galveston, had arrived at New Orleans to solicit provisions and munitions for that establishment. Not only have they been sent under the American flag, but the agent (Mr. de Souvignet) has bought a brig with the products of the robberies of these pirates, which are now deposited in the Bank of Louisiana, amounting to \$180,000, as you will see by the annexed paragraph of the

Gazette of New Orleans; and this vessel is preparing to carry more provisions and munitions to that establishment, and to take back to the United States the spoils of the Spaniards, which are not considered secure in that place.

In the port of Baltimore, the brig Peace, (Paz,) mounting sixteen guns, commanded by Captain Stafford, well known for having before commanded the privateer schooner Maria, which was confiscated in Port au Prince, has been lately bought for the purpose of cruising against the Spanish commerce. According to information which I have received, the brig called the Fourth of July has gone out of that port with the same object, commanded by Captain Watkins, and armed by order of the famous Thomas Taylor, Commissioner of Buenos Ayres; finally, schooner Romp, whose outrages and piracies are of public notoriety, has again sailed for Norfolk, with the design of equipping there, to proceed again on her cruise.

I consider it my duty to make you acquainted with all these acts, which are in manifest contravention of the treaty existing between the two nations, to the end that the President, giving them the consideration which they deserve, may issue the orders that may appear to him best adapted to restrain them, until Congress determines to destroy them at the root, whereby the commerce of all nations may be secure.

I renew, &c.

LUIS DE ONIS.

Mr. Onis to the Secretary of State.

WASHINGTON, Feb. 11, 1817.

SIR: When I had the honor to communicate to you that, in virtue of the orders which the President had sent to the marshal at Baltimore, the pirate Mongore had been detained and embargoed in that port, I had a right to believe that the marshal, as well as the attorney of the United States, would have caused the captain and crew to be immediately arrested, to take from them the declarations which public vengeance and the interests of Spain, as well as of this Government, required, to ascertain the names of the vessels plundered by that pirate, the depository of the effects, and the fate of the Spanish crews.

You may consider what was my surprise on receiving positive information that the marshal has liberated the captain and crew of that pirate; that he has not proceeded to take from them any declaration; and has even permitted that the Mongore should go to sea again, under bond, to commit her piracies. The said vessel is yet in the river, stopped by the ice, and her captain (Barnes) very tranquil in his house, occupied in taking out of it, publicly, the effects plundered by him, which, it is calculated, exceed eighty thousand dollars in value, without any impediment being put to his proceedings by the authorities at Baltimore.

It is extremely painful to me to interrupt your attention so often, on such unpleasant subjects; but I should be wanting in my duty if I should delay to inform this Government of the manner

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in which the orders of the President are eluded in Baltimore, in order to heap injury upon injury on a friendly nation, and promote the revolution of its provinces. In vain will it be alleged, in order to cover this proceeding, that the laws are not sufficient to pursue, without a positive evidence, those citizens who commit hostilities against Spain. The treaty which exists between the two nations is a law of the Republic; and no tribunal can decline its observance. The proofs of its infraction cannot be more manifest or decisive. The Spanish schooner captured by this same vessel, which is permitted to go out to sea, is now in a port of this Union; the effects on board of the one and the other belonging to the King's vassals. The seamen, the log-book of the respective vessels, and the captain himself, ought to give all the evidence that justice requires to decide. If these are not examined, on the equivocal pretext that they cannot be found, or that there is no evidence for proceeding against them, the consequence will be the continuation of an organized piracy for the robbery of all nations, that public vengeance will remain unsatisfied, and humanity exposed to all the horrors of such highway robbers.

I cannot do less than repeat my solicitations to the President, in the name of the King, my master, that the corsair Mongore may be secured; that the effects found on board may be deposited, as well as those which may have been already discharged from her; that the papers on board be examined, as well as the journals, crew, and captain; and that it be proposed to make all the investigations that would, under similar circumstances, be made in Spain, if a like case should occur to the United States, in order to remedy the damages and prevent their repetition.

I flatter myself that you cannot fail to find my solicitude just, and that the President will accede the more cheerfully to it, as it is agreeable to the sentiments of humanity and impartiality which characterize him, and to the desire which he has manifested to me to strengthen the bonds of friendship with my Sovereign. I renew, &c.

LUIS DE ONIS.

The Minister of Spain to the Secretary of State.

WASHINGTON, Feb. 12, 1817.

SIR: After my official letters of the 10th and 11th of this month were written, I received advice from Baltimore that Captain John Chase was now there, and that it was understood that he had left the command of the privateer Potosi, (*alias* the Spartan, of Baltimore,) and likewise that there were in that city more than thirty officers and sailors who had belonged to the said privateer, and who had come there for the purpose of claiming from the said Chase their portion of the prize money from the Spanish ship "Ciencia," of which they had taken possession at sea, in the manner you will see detailed in the declarations of four of the sailors of the said privateer, copies of which are enclosed.

This, without doubt, is a case which merits all

your attention, as it is proven, in the most positive manner, that a certain number of American citizens had armed and equipped a vessel in Baltimore, had gone to sea in her, and had committed an act of hostility against Spain, contrary to the laws of nations, and in violation of the fourteenth and of other articles of the treaty existing between the two nations; thus compromising the dignity of the United States, who cannot but disapprove such conduct, and violating the rights of the King, my master.

The Consul of His Majesty in Baltimore has, without loss of time, proceeded judicially against the before-mentioned John Chase, by soliciting his arrest; and at the same time is taking measures to attach, in the hands of Mr. Didier, merchant, of Baltimore, twenty odd thousand dollars, which it is known he has received from the said prize; but I see at once that all the efforts of the Consul will be in vain, unless this Government interpose all their authority, by giving the proper orders for vindicating their own dignity, which has been compromised by the atrocious conduct of these bad citizens. I do not deem it necessary to repeat to you the many observations I have had the honor to make to you, upon various occasions, on occurrences of this kind; and I therefore limit myself to asking of you to communicate this case to the President, who, I ought to expect, will take such measures as he may think best adapted to the correction of this disorder, and for doing justice to the aggrieved party.

I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

WASHINGTON, Feb. 22, 1817.

SIR: In confirmation of what I had the honor to state in my note to you of the 12th instant, I now enclose a list of the articles which Mr. Henry Didier, a merchant of Baltimore, has landed there, under the usual forms of the custom-house, from on board the American schooner "Remittance," Captain James Rogers, from Aux Cayes; they being the same which had been plundered from the Spanish ship "Ciencia" by the privateer "Potosi," Captain James Chase, by whom they were transhipped on board the said schooner, and consigned to the above mentioned Didier.

In consideration of these proofs, I trust that you will be pleased to obtain from the President the necessary order to effect the delivery or security of this property, for the benefit of its lawful owners; and that you will have the goodness to advise me of the same for my government.

I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

WASHINGTON, Feb. 28, 1817.

SIR: The session of Congress being within two days of closing, and the Senate not having given its assent to the bill passed by the House of

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Representatives for the purpose of putting a stop to the armaments making in different parts of the Union, in violation of the laws of nations and of the treaty existing between His Catholic Majesty and this Republic, I have considered it my duty to represent to you the injuries resulting from this delay to Spain, and likewise to all the nations of Europe; to the end that, if the President sees fit, he may be pleased to cause this subject to be taken into serious consideration.

I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Acting Secretary of State.

WASHINGTON, March 11, 1817.

SIR: In an official letter, under date of the 11th of last month, which I had the honor to direct to the Secretary of State, I represented to this Government that, contrary to my expectation, I had just received positive information that the marshal at Baltimore had left at liberty the captain and crew of the pirate "Mongore," and had even permitted her to go to sea to renew her excesses, without having even so much as taken their declarations, which the public vengeance and the interests of both Governments demanded; I dwelt on the great injuries which would follow to my nation from the impunity and toleration which these highway robbers met with in this country; and requested that the President would give the correspondent directions for preventing this injury.

In my official letter of the 12th of the same month I took occasion again to call the attention of this Government to the same subject, though in a different case, in consequence of having received advice that Captain John Chase, who commanded the privateer "Potosi," *alias* the Spartan, of Baltimore, and more than thirty persons belonging to her crew, had arrived at Baltimore, of whom four had given very detailed declarations respecting the capture of the Spanish vessel the "Ciencia," of her halting place, and of the existence in Baltimore, in the possession of Mr. Henry Didier, [of articles] to the amount of more than \$20,000; and requested that the Government would interpose its authority to give effect to the prosecution which the Consul of His Majesty had set on foot against the person of Chase, and [to] the legal proceedings under which he has succeeded in attaching, in the hands of Mr. Didier, the said interests; and, under date of the 22d of same month, I enclosed a list of these effects, which were in the hands of Mr. Didier.

I have not, as yet, had the honor to receive an answer to any of the above mentioned notes; and I have just understood that the authorities at Baltimore, contemning the evidence of the four witnesses who had presented themselves, and the entry in the custom-house, in the name of Didier, of the effects robbed from the Spanish, have permitted the said Captain Chase to go very tranquilly to Norfolk, to enjoy the fruits of his depredations; that, with universal scandal, and

notwithstanding the character of Captain Barnes, as a pirate, was established by the decision of the court of the United States in Boston, which had declared as illegitimate his prize, the Spanish schooner "Pastora," and ordered that she should be restored to her owners, he has sailed from Baltimore, with his privateer "Mongore," as soon as the ice permitted, and gone down the bay, to go to sea, to repeat his cruelties, without its having been possible for the Consul of the King to get the declaration of Barnes and his people taken as to what had been the lot of the crews of the Spanish vessels which they had captured; declarations which, not only by the laws of nations, but by the more sacred law of humanity, should have been taken, considering the vehemence and well-founded suspicions there were that they had assassinated all the individuals who had had the misfortune to fall into their hands.

The consideration, then, of the excesses committed against the subjects of the King, my master, and of those which, from the impunity and toleration on the part of the authorities of this country, are in a state to be repeated, with vessels purchased, armed, manned, and equipped in the ports of these States, contrary to all the laws of nations, to the express stipulations of the treaty which exists between the two countries, and to the laws of humanity itself, I cannot do less, in discharging my obligation, than to represent and reclaim, in the name of my Sovereign, the damages and injuries which have resulted, and may hereafter result, to his subjects, and to protest against the authors of all of them. At the same time I cannot omit to beg you, with earnestness, to be pleased to inform me of the measures which this Government may have taken for the purpose of having restored to the Spanish owners the effects of which they have been robbed, and also to ascertain the fate of the unfortunate crews of the Spanish vessels which have been captured and destroyed by the two pirates above mentioned, as likewise by the other two, called the Orb and the Romp, that were in like manner, armed in Baltimore.

I hope you will have the goodness to give me the information I ask, that I may bring it to the knowledge of the King, my master.

I renew to you my respects, &c.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

WASHINGTON, March 15, 1817.

SIR: I had the honor to receive your note of the 13th instant, in which, by order of the President, you enclose a copy of the act passed by Congress on the 3d, entitled "An act more effectually to preserve the neutral relations of the United States," by which the President trusts that my Government will perceive a new proof on the part of the United States of a desire to cultivate just and friendly dispositions towards Spain.

I cannot but be highly gratified by all those occasions on which the Government of these States manifests a disposition corresponding with

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that entertained by the King, my master, to maintain and strengthen the amicable relations subsisting between the two nations; and I therefore hope that the President will cause the most effectual measures to be taken to enforce an observance of this law by the officers of this Government, with greater exactness than has hitherto been paid to the existing laws, and to the express stipulations of the present treaty between the two nations.

I shall embrace the first opportunity to transmit a copy of this act to my Court, for the information of my Sovereign; and, with renewed assurances of my respects, I pray God to preserve you many years.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

WASHINGTON, March 26, 1817.

SIR: I have just been informed that there have entered at Norfolk two pirates, under the flag of Buenos Ayres, the principal of which is called the "Independencia del Sud," armed with sixteen guns and one hundred and fifty men. Her captain is the well-known pirate, called Commodore Chaytor. The second is the schooner "Romp," which, to enter that port, has her name changed to that of "Altavella." She has a crew of seventy men, and appeared to be commanded by a person called Grennolds. Both vessels were built and fitted out at Baltimore; belong to citizens of that place, and others in this Republic; and their crews and captains are of the same. Their entrance into Norfolk has been public, to revictual and return to their cruise against the subjects of the King, my master; but their principal object is to place in safety the fruits of their piracies, which must be of great importance, if we attend to the information from Havana, which states that they have robbed a single Spanish vessel coming from Vera Cruz of ninety thousand dollars; and to the fact that, on the 21st of the present month, they had deposited sixty thousand dollars in the Bank of Norfolk, had landed a number of packages of cochineal, and had declared that they had taken to the amount of two hundred and ninety thousand dollars. I am informed that the person called Commodore Chaytor was about to set out for Baltimore, probably to settle accounts and divide his robberies with the persons interested in the outfit. It is a circumstance worthy of remark, that these two pirates saluted the fort at Norfolk, and that it returned the salute upon the same terms as would have been done with a vessel of war of my Sovereign, or of any other nation acknowledged by all independent Powers.

It would be superfluous to take up much time in representing to you how sensitive my Sovereign, and likewise all maritime nations, must be, to see that their flags are treated on an equality with pirates in the territory of this Union. So obvious a reflection cannot be withheld from your knowledge and that of the President. I therefore do not doubt, that if (as I persuade myself)

there has been a mistake in the honors paid to these pirates, you will be pleased to disapprove the conduct of the commander of the fort, and give suitable orders to prevent its happening in future.

At the same time that I expect this measure from the justice of the President, I claim, in the name of the King, my master, that all steps be taken for the arrest of these pirates, whether they be at Norfolk, or that they repair (as is probable) to Baltimore, where their principal associates are; that they be proceeded against, according to the act of Congress of the 3d instant, and to the stipulations of the treaty between His Majesty and this Republic; that legal means be taken to ascertain all the captures made by them during their cruise, the fate of the Spanish crews that have fallen into their hands, and the place of deposit of the property taken from on board them, in order that, by attaching the same by the competent tribunals, it may be held for the disposal of the owners who may prove their property.

This request being, moreover, founded in justice, is supported by the friendly sentiments of this Government towards His Catholic Majesty, by the assurances which the President has given to me of his sincere desire to put an end to a piracy which, although in opposition to the sentiments of the Administration, highly compromises the dignity and character of a people distinguished for their rectitude, morality, and refined virtue. I therefore cannot but confidently hope that you will enable me to inform my Government of the measures which may be taken in this matter.

LUIS DE ONIS.

Don Luis De Onis to the Secretary of State.

MARCH 16, 1817.

SIR: The pirate Orb, fitted out at Baltimore, under the name of the "Congreso," and flag of Buenos Ayres, commanded by Joseph Almeyda, a Portuguese, and a citizen of this Republic, has had the audacity to return and enter the said port, there to deposit a part of his robberies. The piratical character of this vessel is as fully acknowledged, as it is proved that she was armed and manned with people of this country and of others in the above mentioned port, and that she had made different prizes in the neighborhood of Cadiz and other points, since there now is in the port of New York the Spanish polacre, the "Leona," captured by her, whose cargo, consisting of two hundred thousand dollars, is concealed—where, it is not known; and in the same port of Baltimore there are deposited the proceeds of the Spanish brig "Serenó" and her cargo, captured by the same vessel. No evidence can, in my judgment, be offered, which gives greater certainty to facts so notorious. If, by chance, anything could be added thereto, it would be the acknowledgment of their atrocities. Nevertheless, I have the mortification to say, that neither this notoriety nor the reclamations of His Majesty's Consul at that port have as yet been sufficient to produce those steps which are required

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by humanity, to secure the person of this notorious pirate, to take the declarations of the crew, and to prevent their enjoying their plunder to the prejudice of the lawful owners.

I think it my duty to bring this incident to your knowledge, and I doubt not that the President when informed thereof by you, will take it into the serious consideration which it merits, and give the most positive orders that a suit be instituted against this pirate, that an attachment be laid on all his property and funds wheresoever they may be placed throughout this Republic, and that they be held at the disposal of those owners who may prove their property.

As I propose to despatch a messenger in a few days to my Government, and it will be very agreeable to me to give to His Majesty an assurance that the United States are seriously disposed to put an end to the injuries resulting to Spain from the non-observance of the treaty between the two nations, I will thank you to inform me as speedily as possible of the measures which may be taken in this case, and in that on which I address you in a separate despatch of this date.

LUIS DE ONIS.

DEPARTMENT OF STATE,
March 28, 1817.

SIR: I have had the honor receive your two notes, dated the 26th of this month, stating that you have been informed that two armed vessels, which have been committing unauthorized depredations upon the commerce of Spain, have recently arrived at Norfolk, and that a third, liable to the same charge, has arrived at Baltimore; thus bringing themselves within the reach of those laws against which, in the above and in other ways, it is alleged they have offended.

Conformably to the constant desire of this Government to vindicate the authority of its laws and the faith of its treaties, I have lost no time in writing to the proper officers, both at Norfolk and Baltimore, in order that full inquiry may be made into the allegations contained in your notes, and adequate redress and punishments enforced, should it appear that the laws have been infringed by any of the acts complained of.

I use the present occasion to acknowledge also the receipt of your note of the 14th of this month, which you did me the honor to address to me, communicating information that had reached you of other and like infractions of our laws within the port of Baltimore; in relation to which I have to state, that letters were also written to the proper officers in that city, with a view to promote every fit measure of investigation and redress. Should it prove necessary, I will have the honor to address you more fully at another time upon the subjects embraced in these several notes. In the meantime, I venture to assure myself, that, in the readiness with which they have thus far been attended to, you will perceive a spirit of just conciliation on the part of this Government, as well as a prompt sensibility to the rights of your sovereign.

I pray you, sir, to accept the assurances of my distinguished consideration and respect.

RICHARD RUSH.

The CHEVALIER DE ONIS.

Don Luis de Onis to the Acting Secretary of State.

WASHINGTON, March 29, 1817.

SIR: By your note of yesterday I am apprized that the President, on being informed by the notes to which you have replied of the audacity with which the pirates armed in this country introduce into it the fruits of their robberies, has been pleased to give suitable orders to the authorities at Norfolk and Baltimore that, having ascertained the facts which I have brought to his knowledge, they should duly proceed according to law against the violators of the laws of this Republic. The district attorney for the United States at Baltimore has replied to the King's Consul there that he has no evidence upon which he can proceed against Captain Almeyda; but if a witness should offer, who will depose to the facts referred to, he will proceed to order an embargo to be laid on his vessel. I am perfectly aware that good order, the personal security of individuals, and the prevention of any violence being committed upon them, require that suits should be instituted according to the rules of court; but when a crime is notorious to all, and is doubted by none; when the tranquillity and security of the State, the honor of the nation, and the respect that independent Powers owe to each other, are interested in putting a stop to crimes so enormous as those I have had the honor to denounce to you;—it appears to me that the magistrates are authorized to collect a summary body of information, to inquire whether the public opinion is doubtful, and if there be ground to institute a suit. The collector of the customs cannot be ignorant that the three vessels which I have named to you were built and fitted out at Baltimore; that they were cleared at that custom-house as Americans; that their crews were, at their departure, composed of citizens of this Union, as were their captains; and that the effects which they have landed can only come from Spanish countries. What stronger testimony (if more is wanted) than their own declaration can be desired, to proceed against these pirates?

The ships' papers, the declarations of the crews, the log-book, are all testimony which can throw light upon the truth or falsehood of the crime alleged, and makes it unnecessary to trouble them, until it be ascertained that there is ground for proceeding judicially against them.

It must have been known to you, sir, that when the rebel *Mina* armed and equipped at Baltimore, for the purpose of attacking the dominions of the King, His Majesty's Consul presented two declarations, sworn to by two officers, who had accompanied him, setting forth all the plans and projects of this traitor, and the manner in which he had violated the laws of the Republic; that, on another occasion, the same Consul presented the declarations, on oath, of four sailors

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of the pirate Potosi, stating the prizes they had made, the merchants to whom were addressed the effects stolen from the vassals of the King, and that, in both cases, they were considered insufficient to proceed against these highway robbers, and to afford the vassals of His Catholic Majesty that protection which they had a right to expect of a friendly Power.

At this very moment I have received advice from His Majesty's Consul at Norfolk, stating that a quantity of zeroons of cochineal, indigo, and Jesuit's bark, brought in by the two privateers, the Independence of the South, Captain Chaytor, and the Altavela, alias Romp, Captain Grennolds, has been shipped at that port on board the packet which sailed on the 23d instant for New York, in order that, by changing place and appearing to be cleared out by other merchants, the vassals of His Majesty may be deprived of their property, and the pirates and merchants who have fitted them out become the owners of the booty. No one renders more justice to the rectitude of the President than I do, and to the sincere desire that he has to put a stop to practices so contrary to the virtue and good faith which characterize this Republic; but it is that very cause which lays me under the necessity of exposing these practices, with an entire confidence that the President will only see in this communication my anxious desire to prevent any obstacles being thrown in the way of the friendly arrangement now pending between the two Powers. The Treaty of Limits and Navigation existing between them establishes, in the most positive manner, that the two nations have agreed to consider as pirates all vessels fitted out in the two countries, respectively, manned and commanded by their respective subjects or citizens, acting in a hostile manner against one or the other of the two contracting parties under a foreign commission. The acts of Congress of the 5th of June, 1794, of the 14th of June, 1797, and the second section of that of the 30th of April, 1790, prescribe the punishment to be inflicted on these persons, and the steps to be taken on both sides to restore the property to its lawful owners. I rely on your justice and friendly sentiments towards my Government for promoting with the President such orders as, in his wisdom and foresight, will seem to him best adapted to prevent the evasion of the laws, and the sacrifice of that portion of His Catholic Majesty's subjects who have been robbed by these pirates.

I renew, &c.

LUIS DE ONIS.

Don Luis de Onis to the Acting Secretary of State.
WASHINGTON, April 4, 1817.

SIR: Although I have always made it a duty not to intrude on the attention of this Government by remonstrances which are not founded on incontestable facts, or at least on moral evidence, yet it appeared to me, in the conference which I had with you yesterday, that you were not satisfied with the complaints I lately addressed to you against the pirates Potosi, Mon-

gore, Congreso, Independencia del Sud, and Altavela. I have now the honor to annex a copy of a letter from the owners of the Spanish ship Nuestra Señora de los Dolores, and of one from the consignee at Havana, by which you will be informed that the said vessel was captured near to Cadiz by the pirate Independencia del Sud, Captain James Chaytor.

I also enclose to you the declaration, on oath, of Joseph Ojeda, captain of the Spanish schooner Catalina, captured by the pirate Almeyda, commanding the Orb, alias the Congreso. By this declaration you will see the number of Spanish vessels he has plundered, those he has burnt, and those he has sent to other ports. I flatter myself that you will find in these documents, if not all the evidence required by the laws of the United States for the punishment of a man who has committed so many atrocious acts, at least sufficient to justify the detention, for the benefit of the lawful owners, of the property which he is endeavoring to introduce clandestinely into this country, in violation of the Treaty of Friendship, Limits, and Navigation, now existing between the two Powers.

I hope, sir, that you will allow me to use the term *pirates*, in speaking of these banditti. My impression is, (and I found it upon the treaty of amity I have just referred to,) that every vessel built or fitted out within the jurisdiction of this Republic, manned and commanded by citizens of the Union, which is navigated and commits hostilities under a foreign flag, is and must be deemed a pirate; that, as such, it is liable to confiscation, with all the property on board, that it may be afterwards restored to the lawful owners, although no one should present themselves to make the claim in their behalf, as would be done in the case of any known murder, or of one against whom there existed strong suspicions of having committed a crime against society, and this for the purpose of satisfying the calls of public vengeance. I hope that you will have the goodness to inform me if I am mistaken in this conception, and, in case it should be that of the President, that you would be pleased to obtain such measures of him as, in his wisdom, he may deem most proper to prevent the vessels above mentioned, together with their captains, again putting to sea, and to afford that protection to His Majesty's subjects which they have a right to expect, from the close friendship existing between the two Governments, by laying an attachment on the property on board those vessels, that it may be delivered up when its owners are ascertained.

I renew, &c.

LUIS DE ONIS.

No. 1.

HAVANA, December 17, 1816.

SIR: The foregoing is a copy of my last of the 4th instant, which I confirm. I am again obliged to trouble you by requesting you would be on the watch, if the ship called the Na. Sa. de los Dolores, alias the Primera, should put into any port of the United States; which vessel I despatched

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for Cadiz on the 10th of July, under the command of Captain Nicholas Larrea, with a cargo of sugar consigned to the owner, Don Juan Fscó. de Vergara, of the same place, who, under date of the 3d of September, informs me of her capture on the 27th of August, near Cape St. Vincent, by the privateer Independencia del Sud, Captain James Chaytor, and gives me authority to claim or ransom her, as you will see by a copy of his letter, enclosed. I, therefore, hope you will do me the favor to advise me of whatever may turn up in the affair, that the requisite orders may be promptly given.

F. DE PAULD DE MAURA.

Don THOMAS STOUGHTON.

No. 2.

CADIZ, Sept. 3, 1816.

On the 27th of August last, at the distance of twenty-two leagues from Cape St. Vincent, the ship Na. Sa. de los Dolores, alias Primera, Captain Nicholas Larrea, which sailed on the 10th of July of the present year, was captured by the insurgent schooner brig of Buenos Ayres, called the Independencia del Sud, commanded by Jas. Chaytor. On being captured, Captain Larrea endeavored to ransom his vessel and cargo, and the commander of the privateer actually agreed to estimate the sale at \$50,000, including therein \$5,000 for the vessel, the ransom to be paid in Cadiz. When they were on the point of drawing up the necessary writings, the brig Golondrina, from Cumana, appeared in sight, which being likewise made prize of, she was afterwards liberated to carry to Cadiz the crew of the Primera, and on that account the ransom was not carried into effect. As it appears, by information, that the privateer which captured her was fitted out in North America, and commissioned by the insurgent Government of Buenos Ayres, she will be purchased for little or nothing. I understand that she will be ordered to the Cayes of St. Louis, St. Thomas, St. Bartholomew, North America, Jamaica, or some other English port. It will, therefore, be for my interest and that of your brother, Don Pascal, &c.

J. F. DE VERGARA.

Don F. de P. MORENA DE MAURA.

No. 3.

BALTIMORE COUNTY, *State of Maryland*, to wit:

Be it remembered that, on the 1st day of April, 1817, personally appeared before me, Daniel Rogers, notary public for this State, Diego José Ojeda, and, being first duly sworn according to law, deposes as follows: That he was captain of a Spanish schooner called the Nueva Catalina; that he was taken in the said schooner, on the coast of Cuba, by a privateer called the Congreso de Buenos Ayres, commanded by Joseph Almeyda; that, in the night of the same day, the 9th of February last, his said schooner was taken by the Spanish brig of war Campedor, and immediately afterwards taken again by the same

privateer; when, having taken out all the provisions and best part of the sails, fire was put to the said schooner Catalina, and her crew put on board an American schooner, with the exception of the captain, the second mate, the cook, and two passengers; whom Captain Almeyda said he would not liberate until the same had been done with one of his officers and five men who had been taken prisoners there; during the deponent's stay on board of Almeyda's privateer he took the schooner Ardilla from Omoa with a cargo of sarsaparilla and \$2,000; which sum was taken out and the schooner burnt.

On the 19th of February he captured two brigs, the San Antonio de Padua, from Vera Cruz, for the Havana, in ballast, and having some money on board; this vessel was also burnt. The other brig, San José, from Havana to Campeachy, with a cargo of brandy, wine, and other goods, was completely plundered, and the prisoners of the Ardilla and San Antonio, with the two passengers of the Catalina, were put on board of her, keeping a man of each vessel on board of the privateer; the San José was then allowed to proceed to Campeachy.

On the 24th he captured the Paz, bound from Sisal to Havana, on board of which vessel a prize-master and eight sailors were sent, as also the mate of the Catalina. She was then despatched for Galveston. Her crew were put on shore at about eleven leagues from the port of Sisal; and this deponent further states that Almeyda made sail for this place, where the said deponent was not allowed to land until the 28th of March last, when he was sent on shore without any of the papers of his vessel, Almeyda having taken possession of them.

In testimony whereof, the said deponent hath hereunto subscribed his name, and I, the said notary, have hereunto set my hand and affixed my notarial seal, the day and year first hereinbefore written.

DANIEL ROGERS, N. P.
DIEGO OJEDA.

The foregoing is a copy of the original, transmitted under this date to the district attorney for the district of Maryland.

PABLO CHACON.

Don Luis de Onís to the Acting Secretary of State.
WASHINGTON, April 5, 1817.

SIR: As nothing can be more flattering to me than to prove to you that all my reclamations bear the stamp of the most scrupulous exactness and truth, I have the honor to enclose the declaration, on oath, of two seamen of the Spanish brig San Antonio de Padua, captured by the pirate Almeyda, by which you will see that this pirate has not confined himself to taking and burning Spanish vessels, but has also detained and robbed an English vessel upon the high seas.

I hope that you will have the goodness to bring the said document to the knowledge of the President, as a corroboration and support to the

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reclamations which I have addressed to you, in order that the property plundered by that pirate, and by the Potosi, Independencia del Sud, Mongore, and Altavela, may be secured for the subjects of the King, my master, and that they may not be permitted to return to sea, to continue their depredations. I renew my respects, &c.

LUIS DE ONIS.

BALTIMORE COUNTY, *State of Maryland, to wit:*

Be it remembered that, on the 4th day of April, in the year of our Lord 1817, personally appeared before me, a justice of the peace of said county, Lewis Falcone, Italians, and, being first duly sworn according to law, depose as follows:

That they belonged to the crew of the Spanish schooner San Antonio de Padua, he, the said Lewis, being gunner thereof; that having sailed from St. Jago de Cuba, bound for Havana, on or about the 28th of January last, they were chased and captured the same day by a Buenos Ayres privateer, called the Congreso, commanded by one Jose Almeyda, who took the deponents on board his vessel, depriving them of fifty boxes of segars, four barrels, and five bundles of Spanish tobacco, and a bag containing silk handkerchiefs; that, during their stay on board Almeyda's vessel, he took seven Spanish prizes, three of which he burnt; and on or about the 15th of March, near the port of Havana, he fell in with a British brig, chased her under Spanish colors, and, when sufficiently near, fired into her, hoisting at the same moment the Buenos Ayres flag. The brig, being armed, was defended by discharges of grape-shot nearly the whole day, but, being boarded in the evening, was compelled to surrender: during the whole transaction the British ensign was at her main peak, and no other flag. Her crew were taken on board the Congreso, and the vessel plundered of several valuable articles of gold and silver. She was given up and allowed to proceed. Her mate received a musket shot through the head, of which wound it was almost impossible he could recover. And these deponents further state, that Almeyda after this proceeded to the United States, and arrived at Baltimore on or about the 28th of March last.

LEWIS FALCONE,
BERNARD FALCONE.

Sworn to and subscribed before me, by Anthony Canno.

THOS. W. GRIFFITH.

The Chevalier de Onis to the Acting Secretary of State.

WASHINGTON, April 18, 1817.

SIR: By the information which has been transmitted to me by His Majesty's Consul at Baltimore, in relation to the legal steps taken by him for the seizure of the pirate "Congreso," Captain Almeyda, and the attachment of the cargo, it appears that the court of Baltimore county has declared its incompetency to take cognizance of this cause, on the plea that the Congress had not the power to alter the mode pointed out by the Constitution, in which similar causes are heard

and decided in the Supreme Court of the United States; from which decision it follows that no State judge, or justice of the peace, has power to arrest any individual for a violation of the laws of this Republic. I will not permit myself to indulge in any reflection upon the form of law which may be laid down for cases of this nature, nor upon the powers which are, or are not, within the competency of the Legislature; but I cannot the less express to you my surprise that the States' attorney has not given the direction recommended by the laws to an affair which, in addition to the justice due to the subjects of His Catholic Majesty, so essentially interested the honor of the United States, by the violation of its statutes, its treaties, and its neutrality with foreign nations.

The result of all which is, that the pirate Almeyda is at full liberty; that his vessel, the "Congreso," is released from attachment; and that he is free to land, and place in safety, the fruits of his piracies; that, during several weeks, he has had thirty hands at work upon his vessel, sheathing her with copper, making new sails, and giving her a thorough repair; and that there is an appearance that he will profit by the first favorable wind to put to sea, and continue with greater fury his atrocities and piracies, before the suit can be instituted in the court which is now designated, if effectual measures be not taken to prevent him.

I therefore hope that you will be pleased to lay the foregoing subject before the President; and I doubt not that, animated by his desire to preserve the friendship which happily subsists between Spain and this Republic, he will adopt those measures which appear to him most suitable to prevent the evasions employed to obstruct the course of justice, and burden the United States with an indemnification for injuries of such magnitude, occasioned to the subjects of the King, my master, by reason of the non-observance of the treaty which exists between the two nations.

LUIS DE ONIS.

The Chevalier de Onis to the Acting Secretary of State.

WASHINGTON, April 19, 1817.

SIR: Although I was persuaded that the act of Congress of the 3d of March, relative to the preservation of the neutrality of the United States, in addition to the Treaty of Friendship, Limits, and Navigation, existing between Spain and this Republic, and to the act of 1797, which prescribes the mode of pursuing the violators of the laws of this Republic, would exempt me from again calling your attention, by new reclamations, to the injuries which the subjects of the King, my master, incessantly experience from the privateers armed in the ports of this Union, the annexed copies of notes which His Majesty's Consul at Norfolk has addressed to the States' attorney, and to the collector of the customs, and the answer which he received from the latter, will show you that noth-

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ing is sufficient to put a stop to the evil of which I have so often complained to this Cabinet.

By these documents you will see, notwithstanding the proofs presented by Don Antonio Argote Villalobos, that the pirates "Independencia del Sud" and "Altavela" were both fitted out at Baltimore; that their captains, Chaytor and Grennolds, are American citizens, as well as their crews; that both the one and the other have received commissions, and cruised under a foreign flag, against the Spanish commerce; that they were then strengthening their armament and increasing their crew; and, finally, that the same collector, who acknowledges they bring no manifest (*registro*) of the articles they have on board from any authority or port, known or unknown, thereby evidently proving that they were stolen on the high seas, refused to arrest this property, unquestionably stolen, to hold it at the disposal of the owners, who might prove their claims; and to detain the vessels, which, in manifest violation of the laws of this Republic, and, above all, of the act of Congress of the 3d of March, are there preparing to return to their cruise.

I shall abstain from fatiguing you further upon a subject to which I have so often claimed your attention and that of the President. I flatter myself that the transmission of the proceedings, such as they have been transmitted to me, and the elucidation afforded by the annexed copies, will be sufficient to induce the President to acknowledge the urgency of adopting measures really effectual, at once to put an end to these piracies; otherwise His Majesty will not be able to see, in a continuance of these excesses, a confirmation of the assurances which the President has given me of his desire amicably to adjust, by means of a treaty, all the differences pending between the two Governments, and to strengthen the friendly relations with His Majesty by new arrangements mutually advantageous to both States; nor the pledge which I have already given him, that if the abovementioned act of the 3d of March did not repair the evils suffered by his subjects until that period, it would at least prevent those by which they were threatened in future.

I renew to you, &c.

LUIS DE ONIS.

No. 1.

SPANISH CONSUL'S OFFICE,
Norfolk, April 10, 1817.

SIR: I found it my duty, on a former occasion, to make an official application to you, in the case of the armed schooner "Potosi," Captain Chase, said to be acting under a commission from the pretended Government of Buenos Ayres, (where, by the by, she had never been,) but which had been fitted out, armed, and equipped in the port of Baltimore, to cruise against the subjects of Spain, contrary to the law of nations, and in violation of the neutrality of the United States, their laws, and stipulations in the existing treaty between the two nations, concluded on the 27th October, 1795,

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and in opposition to the intentions of the Government, manifested in the President's proclamation of the 1st September, 1815, and since more fully displayed by the act of Congress passed on the 3d March ultimo, entitled "An act more effectually to maintain the neutral relations of the United States."

I do not doubt, sir, but that you participate in the indignation which every honest man feels at the lawless proceedings, the greedy rapacity, and, in many instances, horrid cruelties of this set of sea depredators, who, being for the most part citizens of the United States, are a disgrace to this country; but still, you did not think yourself authorized to interfere, though in your reply, dated the 15th of December ultimo, you expressed that you would take care in that, as in other cases, to see that the laws of the United States and other regulations of the Government are duly observed.

Impelled again by duty, and relying on the assurance (just quoted) in your said letter of the 16th of December ultimo, I do myself the honor of addressing you the present letter, to request you to interpose your authority for the purpose of detaining the armed brig "Independencia del Sud," *alias* the "Mammoth," commanded by James Chaytor, and the schooner "Altavela," *alias* the "Romp," Captain Grennolds; both vessels have been armed and equipped in this country, in violation of the law of nations, the neutrality laws, explicit stipulations, and professed intentions of the Government of the United States, and are commanded, and principally manned, by citizens thereof.

As these violators of all law pretend to shield their conduct under a commission from a Government the existence of which is not acknowledged by this or any other civilized country, it becomes necessary for me to call your attention to the 14th article of the treaty existing between Spain and this country, by which you will find that it is expressly forbidden to the citizens and subjects of either nation, respectively, to take any commission from any Prince or State with which the other nation shall be at war; and such as will take such a commission are punishable as pirates. Upon the strength of this article, and in vindication of the laws and honor of the United States, I must solicit you to put a stop to the further proceedings of these freebooters, and to deter them from going on in their criminal course to the great detriment of the commerce of Spain, a nation in amity with this country, and to the annoyance of the peaceable commercial subjects of all other nations. I must further solicit you to stop these vessels, on the ground that they have in this port improved their equipment and considerably augmented their crews, by enlisting several individuals, contrary to the said act of Congress of the 3d of March ultimo; which enlistment is the more aggravating, because most of the individuals so enlisted are known to be citizens of this country. I also solicit you to stop and keep in your possession certain stolen goods, namely, cochineal and indigo, which I am told are now in the custody of the custom-

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house under your direction, reserving to myself to prove hereafter the true owners of this property. I must add the request to be furnished with a copy of the entry or manifest of the goods or articles of merchandise imported by, and landed at this port from, the said cruisers.

In closing this letter, I cannot forbear expressing a hope that you will give to this application all the attention which the nature of the case requires, and that you will not delay your answer, from the tenor of which I shall regulate my conduct, so as to acquit myself of that duty to my King and country imposed upon me as well by my office as by my personal feelings.

With great respect, I remain, your obedient servant,

ANTONIA A. VILLALOBOS.

CHARLES K. MALLORY,
Collector of Norfolk and Portsmouth.

No. 2.

SPANISH CONSUL'S OFFICE,
Norfolk, April 10, 1817.

SIR: The enclosed is a copy of an official letter which I have addressed this day to the collector of the customs of this port.

As there is no question but that the Government of the United States are bound to punish such of their citizens as, in defiance of all law, have committed hostilities against a friendly nation, and also to arrest them in their progress when they are seen within their jurisdiction preparing to continue their nefarious course; and as it is in your province, as district attorney, to see that the laws of the Union are duly enforced, both in the punishment of crimes and in the prevention of them, I make the same application to you that I have made to the collector, requesting you, in the name of my Government and the suffering subjects of Spain, to issue such process as will deter James Chaytor and Captain Grennolds, their officers and crews, mostly American citizens, from going out of this port to renew their depredations on Spanish commerce; at the same time that I leave it to your discretion to institute any further proceedings that the nature of the offences already committed may admit of, and of which I shall furnish proofs in due time. I must also request you to secure, in behalf of the true owners of the stolen property which can be come at, namely, a parcel of cochineal and indigo, landed by these privateersmen at this port, and said to be now in the custody of the custom-house.

I hope, sir, that you will see the propriety of my applying to you in the present instance, and that you will do me the favor to answer this letter, apprizing me of the course you mean to adopt, for my information, and to enable me to give proper intelligence to my Minister.

I remain, &c.

ANTONIO A. VILLALOBOS.

WILLIAM WIRT, Esq.,
U. S. District Attorney, Richmond.

No. 3.—COLLECTOR'S OFFICE,
Norfolk, April 11, 1817.

SIR: I had the honor to receive your note of yesterday, in relation to the two armed vessels now lying in this port, under the flag of the Government styling itself "the United Provinces of the river Plata," the one called "Independencia del Sud," and the other "Altavella." You require me to detain these vessels upon the grounds that, in violation of the law of nations, the neutrality, laws, explicit stipulations, and professed intentions of the Government of the United States, they have been armed and equipped "in this country, and are commanded and principally manned by citizens thereof;" that, under the fourteenth article of the treaty between Spain and this country, they are pirates; and that, in violation of the act of Congress of the 3d March last, "more effectually to preserve the neutral relations of the United States," "they have in this port improved their equipment, and considerably augmented their crew, by enlisting several individuals." In reply to which, I conceive it proper only to remark, that these vessels have not been unnoticed by me, and that, in my conduct towards them, I shall endeavor, as I have done, to observe that course which my official duties appear to me to have prescribed. In pursuing which, that I may have the aid of every light to guide me which facts can afford, and the allegations thus made by you in an official form must be presumed to be bottomed on positive facts, which have come to your knowledge, you will have the goodness, I trust, to furnish me, with as little delay as possible, with the evidence of their existence in your possession.

In respect to the merchandise landed from these vessels, and deposited in the public store, which you request me to retain in my custody for proofs to be obtained by you as to the owners of it, I have to observe that the circumstances of the case, as far as they are at present known to me, do not seem to require that I should take upon myself the responsibility; on the contrary, that these goods should be regarded as the property of those who deposited them, subject to be delivered to them, on complying with all the requisites of the laws for the protection of the public revenue.

There was no regular manifest or entry of these articles, or a copy of it should be furnished to you, according to your request; but simply a memorandum of them, and a receipt of the keeper of the public store, from which it appears that there were ninety-two bales or packages of cochineal, jalap, and varilla, consisting chiefly of the first-mentioned article. I am, &c.

CHARLES K. MALLORY.

DOB. ANTONIO A. VILLALOBOS,
His Catholic Majesty's Consul, Norfolk.

No. 4.

SPANISH CONSUL'S OFFICE,
Norfolk, April 12, 1817.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, in answer

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to mine of the day before, soliciting you to detain the privateers "Independencia del Sud" and "Altavela," on the grounds that those vessels have been originally armed and equipped in this country, and are now commanded and principally manned by citizens of the United States, and because they have in this port improved their equipment, and augmented their crews by enlistment; and further, soliciting you to retain in your possession, and not to redeliver to those privateersmen, certain articles of stolen goods now under your custody; in reply to which you are pleased to observe that those vessels have not been unnoticed by you, and that you shall endeavor to observe, with regard to them, that course which you think your official duties prescribe to you; requesting me, at the same time, to furnish the evidence to prove the facts that I have set forth, in order that you may have the aid of every light to guide you; and, finally, you observe that, from the circumstances of the case, you do not think you ought to take upon yourself to retain possession of the property above mentioned, of which you give a description in general terms.

With regard to the evidence you require, I will not hesitate to say that, as the facts I have stated are matter of public notoriety, known to everybody, and I had no reason to suppose that you were ignorant of them, I did not deem it incumbent upon me to add any proof to the simple narration of them; and I was confident that, by going on to point out to you the stipulations and laws which are infringed in consequence of those facts, you would think yourself authorized to interfere in the manner requested.

I will assert, sir, as a known fact, that the brig, now called *Independencia del Sud*, is the same vessel which was formerly known under the name of the Mammoth privateer, belonging to Baltimore, armed and equipped in that port, from which she sailed under the command of the same Chaytor who still commands her; that the very same James Chaytor was necessarily then, and cannot have ceased since to be, a citizen of the United States; is settled, and has a family in Baltimore, whence his wife came down a few days ago in the packet *Walter Gray*, and is now in this town on a visit to her husband; that he has enlisted men in this port, many of whom are not so obscure as not to be generally known. I will mention, as an example, Mr. Young, of Portsmouth, who is now acting as first lieutenant on board the said brig. I will assert, as a fact, that the *Altavela* is the very schooner known before under the name of the *Romp*, the same that underwent a trial for piracy before the federal court in this State; that her present commander, Captain Grenolds, is a native of one of the neighboring towns, and very well known in this place; and, finally, that this vessel has been at one of the wharves altering her copper, which I call an improvement in her equipment.

If these public facts, falling within the knowledge of every individual, require more proof than the public notoriety of them, I must request to

be informed as to the nature of that proof; and, also, whether you are not warranted to act upon just grounds of suspicion, without that positive evidence which is only necessary before a court of justice.

Respecting the property which I have solicited you to stop, as you seem not to think yourself authorized so to do, I must observe to you that, by the law in general practice in this and other countries, property in suspicious hands is frequently stopped; and I will go further, and assert that there is no doubt of the goods in question being stolen goods, or what, by way of softening the expression, are called prize goods; and all such property hitherto brought into this country by this sort of cruisers has been adjudged by the federal courts stolen property, and has been ordered to be restored to the rightful owners. I do, therefore, most solemnly lay claim to this property in behalf of the lawful owners, who, I am confident, will, at no distant period, come forward themselves to demand it; and I hereby reserve to them their rights unimpaired, to sue and recover from whomsoever they may be entitled to claim under the law of nations, and in conformity to the sixth and ninth articles of the treaty between Spain and this country, concluded on the 27th of October, 1795, and under any other law that may make in their favor.

I will now conclude, by expressing a hope that, upon a thorough view of the subject, you will consider it consistent with the duties of your office to accede to my solicitation for the relief of the injured subjects of Spain, and to prevent a number of bad citizens of this country from committing further depredations on their commerce.

I remain, &c.

ANTONIO A. VILLALOBOS.

CHARLES K. MALLORY, Esq.

No. 5.

COLLECTOR'S OFFICE, NORFOLK,
April 14, 1817.

SIR: I have had the honor to receive your letter of the 12th instant, and have bestowed upon it all the attention which the limited time allowed me would admit of.

From the view I have taken of the facts, as now stated by you, which it is to be presumed are to be regarded as specifications under the more general charges set forth in your letter of the 10th instant, I must really confess I do not at present see grounds sufficient to justify the steps you require me to take against the armed vessels now in this port, and the merchandise which has been permitted to be laden from them, and deposited in the public store.

You assert, as known facts, that the brig now called the "*Independencia del Sud*," is the same vessel that was formerly known under the name of the Mammoth privateer, belonging to Baltimore, armed and equipped in that port, from which she sailed under the command of the same James Chaytor who still commands her. That this very same James Chaytor was necessarily

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then, and cannot have ceased since to be, a citizen of the United States; is settled, and has a family in Baltimore, whence his wife came down a few days ago in the packet Walter Gray, and is now in this town on a visit to her husband. That he has enlisted men in this port, many of whom are not so obscure as not to be generally known; and you mention, as an instance, Mr. Young, of Portsmouth, who you allege is now acting as first lieutenant on board the brig. You further assert as a fact, "that the *Altavella* is the very same schooner which was known under the name of the *Romp*, the same that underwent a trial for piracy before the federal court in this State; that her commander, Captain Grennolds, is a native of one of the neighboring towns, and is very well known in this place." And, finally, that this vessel has been at one of the wharves altering her copper, which you call an improvement in her equipment.

Now, sir, supposing these facts to be what you affirm they are, matter of too great public notoriety to require anything like demonstration; do they prove so clearly that the brig now called *Independencia del Sud* was originally fitted out in this country to aid the United Provinces of the river Plate in their struggle for independence? that James Chaytor, a citizen of the United States, assumed the command of her with that intention, under a commission from that Government, in the port of Baltimore? and that he commenced his cruise against the vessels of the subjects of His Catholic Majesty, with whom the United States are in amity, from that port? On the contrary, do they not, with equal or greater certainty, tend to show that this brig, which you acknowledge was formerly the *Mammoth* privateer, belonging to Baltimore, was fitted out during the late war between this country and Great Britain, to cruise against the vessels of the subjects of His Britannic Majesty; that she was then under the command of, and probably owned in whole or in part, by the said James Chaytor; that, on the termination of that war the owners of the said vessel having a right to dispose of her wheresoever and to whomsoever they thought fit, may have sent her under the command of the said James Chaytor, from Baltimore to Buenos Ayres, where she may have been purchased by the Government of that place, and put upon their naval establishment, and that the same James Chaytor might *then* and *there* have accepted the commission appointing him to the command of her? I wish not to be understood as contending that this was the *case*, but that it is an inference which may be fairly deduced from the facts as specified by you. The log-book and other documents which I have in my possession seem, moreover, to corroborate this view of the subject. It appears from them that she is a public armed vessel, not a privateer, and commenced her cruise from Buenos Ayres under the orders of that Government (be it whatever you may please to term it) in May, 1816. Whether the said James Chaytor had the right, under such circumstances, to accept the commission or not; or whether, when

he sailed from Baltimore, being then a citizen of the United States, he cannot have since ceased to be one, appears to me plainly and simply the question: has a citizen of the United States the right to expatriate himself, and enter the service of a foreign Power not at war with his native country? A question which it is not my province to discuss, but about which, I apprehend, there can be but little doubt in this country, whatever be the antiquated notions prevailing upon the subject in the old Governments of Europe. His having a wife in Baltimore, and her coming to see him here, does not appear to me to affect the case at all; inasmuch as nothing is more common than for foreigners to have wives here, natives of the country; an illustrious instance of which might be given.

With respect to the facts assumed by you, of the enlistment of men in this port, of which you mention Mr. Young as an evidence, suffice it to say that, from intimations I had received anterior to the date of your letter, I had determined to make the proper inquiries, and to be satisfied upon this point before those vessels are permitted to sail, and shall be governed by the result; although it does not appear altogether perfectly certain that such an augmentation of their force is interdicted by the act of Congress of the 3d of March last, which, being a law highly penal in its nature, will admit of no latitude of construction. Permit me to observe, "*en passant*," that this Mr. Young is by birth an Englishman, served several years in the British navy, several in ours, and, I suppose, has now an equal right, provided it be not done in a manner to violate the laws of the United States, to enter into the service of the Government calling itself the "United Provinces of the river Plata," or any other Government that will receive him.

With respect, also, to the vessel called the *Altavella*, asserted by you to be the very schooner formerly known by the name of the *Romp*, and tried for piracy, I proceed to remark, that this vessel furnishes a strong argument against you; for, after a full investigation of all the charges against her, supported, as I believe they were, by some of her own crew, she was acquitted, as well as the commander of her, Squire Fish, who had previously been an officer in the Navy of the United States. The same remark will apply with equal force to her present commander, Captain Grennolds.

Upon the subject of the fact lastly stated by you, of the improvement in the equipment of this vessel at one of our wharves, I have to observe that, on the arrival here of these vessels, I had them examined, and an inventory of their armament, equipment, &c., taken; and before their departure I shall cause a resurvey to be made, with a view to ascertain whether they have undergone, in any respect, any alterations prohibited by the laws of the United States. I cannot agree with you, however, that a mere alteration of her copper, rendered necessary, perhaps, by some damages which I understand were sustained

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in the bottom of the vessel, can be considered as an improvement "in her equipment."

As for merchandise which you "most solemnly lay claim to," in behalf of those whom you term the lawful owners, which you assert "there is no doubt of being stolen, or what, by way of softening the expression, are called prize goods," I can only say, that I neither officially nor individually have any claim to it whatsoever. It is only deposited in the public store for safe-keeping, to guard against injury, as in other cases, which might result to the revenue of the United States; and I see no reason, from anything you have advanced, to change the opinion expressed in my last upon the subject. I know of no decisions, such as you speak of, in the federal courts, adjudging prize goods to be "stolen property, and ordering it to be restored to the rightful owners." If there be any such decisions, they only go to show that it is by such authority only, and not by any that I possess, that the articles in question can be detained or restored.

Having thus, sir, gone through the different topics presented by you for my consideration, I shall conclude, by assuring you it did not require anything you have pointed out to me to remind me of any duty which the circumstances of this case have rendered, or may render it incumbent on me to perform. I am, &c.

CHARLES K. MALLORY.

DON. ANTONIO A. VILLALOBOS,
His Catholic Majesty's Consul.

No. 6.

SPANISH CONSUL'S OFFICE,
Norfolk, April 15, 1817.

SIR: I have received the letter which, in answer to mine of the 12th instant, you did me the honor to address to me yesterday.

Without denying any of the facts, on the strength of which I requested your interposition to prevent two armed vessels now in this port, commanded and principally manned by citizens of the United States, from sallying forth to renew their depredations upon the commerce of Spain, you state that you do not see sufficient grounds for stopping those vessels, or the merchandise landed from them, and now in deposit in the public storehouses in this place.

I do not mean to enter, on the present occasion, into a minute discussion of the several reasons you assign for the line of conduct which you think proper to pursue in this case, because I think it sufficient for me to transmit copies of my correspondence with you to my Government, through the channel of the Minister Plenipotentiary of His Catholic Majesty in this country. Still, you will permit me to advert to that part of your argument, purporting that it is not so clearly proved that Chaytor's views on leaving Baltimore with the armed vessel under his command, were to cruise against the subjects of Spain under a commission from the pretended Government of the river Plata; upon which I will remark, that it is no longer necessary to form con-

jectures about the probable intentions of men, when facts and overt acts have already fully developed their evil purposes. Thus, whether James Chaytor, in going out of Baltimore with the armed vessels still under his command, had hostile views against the subjects of Spain, a nation in amity with this country, is sufficiently solved by the hostilities which he has already committed, and still intends to commit, in the same vessel, against the said subjects.

I must also be allowed to notice that part of your argument, "that, whatever may be the antiquated notions prevailing upon the subject in the old Governments of Europe, there is little doubt in this country about the question, whether a citizen of the United States has a right to expatriate himself, and enter the service of a foreign Power not at war with his native country?" In this you certainly appear to me to have set up a mere speculative opinion in opposition to a positive law, namely, the stipulation in the fourteenth article of the Treaty with Spain, by which the United States have solemnly pledged themselves not to permit their citizens to accept commissions from any Prince or State at war with Spain, for the purpose of cruising against her subjects, and to punish as pirates such of their said citizens as will act contrary to that stipulation.

With regard to the schooner *Altavella*, formerly the *Romp*, which vessel, you say, "furnishes a strong argument against me," because, although tried for piracy, she was not actually condemned, I cannot avoid remarking, that, since the time when she escaped merited condemnation, and her commander and crew condign punishment, she has been out cruising with the armament and commission she took out from this country; (it is pretty well ascertained that she has never been at Buenos Ayres;) and that, in every respect, she is evidently a pirate, under the true meaning and intent of the said fourteenth article of the Treaty with Spain; and that her said commander and crew are actually engaged in piratical pursuits, in which course it behooves the constituted authorities of this country to stop them when within their jurisdiction and completely in their power.

Nor can I forbear to observe, before I dismiss the subject, that the self-styled Government of the United Provinces of the river Plata will gain very little "in their struggle for independence," by commissioning such a gang of greedy freebooters, the scum of this and other countries, who, caring little for the fate of that deluded people, excite, by their voracious appetite for plunder, the indignation not only of the people of Spain, but of the honest and good of all other nations.

I will now conclude, sir, by repeating my solicitations and assertions contained in my letters of the 10th and 12th instant, and by solemnly protesting, in the name of my Sovereign, against permitting a number of citizens, now within their jurisdiction, and under their control, to go out to cruise against the commerce of Spain, and to renew their hostilities against her subjects; and I do also protest against delivering back to them

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certain articles of merchandise, described by you in general terms in your letter of the 11th instant, which articles of merchandise are obviously taken from Spanish subjects contrary to law, and especially contrary to the fourteenth article of said Treaty with Spain, and which, from the tenor of the sixth and ninth articles of the same treaty, ought to be retained in behalf of the lawful owners. I am, &c.

ANTONIO A. VILLALOBOS.

CHARLES K. MALLORY, Esq.,
Collector of Norfolk and Portsmouth.

No. 7.

COLLECTOR'S OFFICE, NORFOLK,
April 15, 1817.

SIR: I have been honored with your letter of to-day, in answer to mine of yesterday, and am perfectly pleased that our correspondence has issued in a determination on your part to transmit copies of it to your Government, through its Minister in this country.

I have nothing further to add on my part, but assurances of the respect with which I am, &c.

CHAS. K. MALLORY.

DON ANTONIO A. VILLALOBOS,
H. C. M. Consul, Norfolk.

Mr. Rush to the Chevalier de Onis.

DEPARTMENT OF STATE, *April 22, 1817.*

SIR: By direction of the President, I have the honor to ask whether you have received instructions from your Government to conclude a treaty for the adjustment of all differences existing between the two nations, according to the expectation stated in your note to this Department of the 21st of February? If you have, I shall be happy to meet you for that purpose. If you have not, it is deemed improper to entertain discussions of the kind invited by your late notes. This Government, well acquainted with and faithful to its obligations, and respectful to the opinion of an impartial world, will continue to pursue a course, in relation to the civil war between Spain and the Spanish provinces in America, imposed by the existing laws, and prescribed by a just regard to the rights and honor of the United States.

I have the honor to be, &c.

RICHARD RUSH.

Don Luis de Onis to the Acting Secretary of State.

WASHINGTON, *April 23, 1817.*

SIR: I have received your letter of yesterday's date, in which you are pleased to inform me, by order of the President, that, if I have received the instructions which I expected, to conclude a treaty for the arrangement of all the differences pending between the two nations, you are authorized to enter into that negotiation with me; but, if not, you consider it improper to entertain discussions on the subjects treated of in my last notes.

In reply to these points I have to inform you, with respect to the first, that (my conjectures be-

ing confirmed) my instructions have been intercepted by the pirates which infest the seas, whereby their arrival is so much delayed. I have despatched my Secretary, Don Luis Noeli, in order that, by informing His Majesty of this unexpected event, he may cause them to be renewed to me. As to what relates to the second point, I refer to what I stated to you in my letter of the 21st of February, that I would entirely conform to the wishes of the President, to wait the discussions of those points until the arrival of the instructions.

In the same note you have been pleased to add, in reply to the different notes which I have addressed to you on the subject of the armament of privateers in this country, for the purpose of cruising against the subjects of the King, my master, that this Government, faithful to its obligations, and respectful to the opinion of the impartial world, will continue to pursue a course, in relation to the civil war between Spain and the Spanish provinces in America, imposed by the existing laws, and prescribed by a just regard to the rights and honor of the United States.

As all my notes have been directed to this single object, and as I have, in conformity to your intimations, given correspondent orders to His Majesty's consuls to require of the tribunals the execution of those same laws, there is nothing left for me to do but to transmit to His Majesty this new assurance of the President, and to continue on my part to inform this Government of everything which may contribute to maintain unalterable the relations of friendship which exist between the two nations, until the arrival of the instructions which I have requested, and further to strengthen them by a treaty which may put an end to all pending discussions.

I have the honor, &c.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

PHILADELPHIA, *Sept. 2, 1817.*

SIR: The Viceroy of New Spain informs me, in several despatches which I have lately received, of the frequent cases which have occurred of American vessels, both merchantmen and armed ships, which, in running along the coasts of those parts of the dominions of His Catholic Majesty, enter their bays, roads, and harbors, sometimes for the purpose of exploring the country and examining the state of things there, and at others for that of assisting the rebels with provisions, arms, and warlike stores, and of landing adventurers and other dangerous persons, whose object is to join the insurgents. The Viceroy states that the American Colonel Perry had joined the traitor Mina with five hundred men; and Savary, the commandant of the mulattoes, with another body, having gone from New Orleans to incorporate their force with that of Mina and Aury at Galveston, a place within the Spanish dominions; that American vessels are continually sailing from New Orleans with supplies of arms, ammunition, and provisions, for those ban-

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ditti; that the American schooner "Saeta," from New Orleans, entered the harbor of Tampico under the pretence of stress of weather, but, without any manner of doubt, for the purpose of examining the country; and that the privateer or pirate "Jupiter" had captured two Spanish vessels off the bar of the Mississippi, very near to several American vessels, &c. The Viceroy concludes by saying, that he cannot possibly think that so many acts of hostility and violation of the laws of nations, and of the existing treaty, can be permitted or tolerated by the Government of the United States; and that, being desirous to contribute on his part to the maintenance of the amicable relations subsisting between this Government and that of His Catholic Majesty, he had treated the American vessels and citizens, even in the cases of hostility and violation referred to, with unexampled kindness; but that now he left it to my zeal to endeavor to obtain of this Government effectual remedies against these excesses; that, in the meantime, he had given orders to the governors, commandants, and other officers, at the most suitable places within his Viceroyalty, neither to admit nor tolerate any American vessel, or of any other foreign nation, without the requisite passport and license; and that he would exercise the rigor of the laws against those who should disturb the good order and tranquillity of the King's dominions.

In consequence, therefore, of this request of the Viceroy, I add this reclamation to those which I have already had the honor to address to the President, through the medium of the Department committed to you, on similar cases, and in the name of the King, my master; and I trust that, on your laying the whole before his Excellency, he will cause the most effectual measures to be adopted to prevent the continuation of these excesses, and to enforce the due observance of the general principles of the law of nations, and of the treaty which governs between Spain and the United States. I renew, &c.

LUIS DE ONIS.

Don Luis de Onis to the Secretary of State.

PHILADELPHIA, Sept. 19, 1817.

SIR: A complaint having been laid before His Catholic Majesty's Government by a part of the crew of the Spanish polacre "Santa Maria," captured on her passage from Havana to Cadiz by the pirate called the "Patriota Mexicano," commanded by José Guillermo Estefanos, manned with citizens of these States, and covered by their flag, under which he chased and brought to the said polacre, until, having ascertained her capture, he hoisted the insurgent flag. I have received the commands of the King, my master, to request of the President, through your medium, the most decisive measures for putting an end to the abuses practised in the ports of this Union, by arming privateers to cruise against the Spanish trade; thus prostituting the flag of the United States by these predatory acts, and trampling under foot, with unparalleled audacity, national

rights, and the existing treaty between Spain and these States.

I, therefore, now renew those urgent reclamations which, on former occasions, I have submitted to the President, through your Department, on this important point; and I trust that the numerous instances of these abuses and horrible depredations will induce his Excellency to adopt energetic measures to restrain these excesses, which so deeply compromise the neutrality of the United States in the eyes of all nations, and are wholly repugnant to the friendship and good understanding happily subsisting between them and His Catholic Majesty. I renew, &c.

LUIS DE ONIS.

The Chevalier de Onis to the Secretary of State.

PHILADELPHIA, November 2, 1817.

SIR: His Majesty's Consul at New York has transmitted to me a copy of his correspondence with the United States attorney for that district, whereby he requests that, in conformity with the act of Congress of the 3d of March last, he would oblige a certain armed brigantine to give security or cause her to be seized; the said vessel having arrived at that port from Norfolk, under the flag of Venezuela, and recruited men to increase her crew, in order to proceed afterwards to Amelia Island, there to join the adventurer McGregor, and to co-operate in his nefarious plans against the possessions of my Sovereign and against the Spanish trade.

I have the honor to enclose a copy of the said correspondence, on the contents of which I think it entirely superfluous to make any comment; leaving it to you, sir, to decide whether the solicitude of His Catholic Majesty's Consul at New York has been in conformity with the laws and the above-mentioned act of Congress, and whether the attorney for that district will rightfully have conformed thereto, by his strict observance of them, in obliging the owner or captain of the said armed brigantine to give the requisite security that he will commit no hostilities against the subjects of His Catholic Majesty, and preventing him from proceeding freely to sea to commit new depredations.

It is very disagreeable to me to have to repeat to you, sir, what, unfortunately, I have been several times under the necessity of submitting to the President, through the medium of your predecessors, namely, that the act of Congress of the 3d of March, 1817, has in no wise lessened the abuses by which the laws are evaded, and render entirely illusory the laudable purposes for which they were enacted. From the greater part of the ports of these States there frequently sail a considerable number of vessels, with the premeditated intention of attacking the Spanish commerce, which carry their armament concealed in the hold. It rarely happens that they can be arrested, inasmuch as the collectors of customs say that they have not at their disposition the naval force necessary to effect it; on the other hand, armed vessels, under the flag of the insur-

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gents, enter into the ports of the Union, and not only supply themselves with all necessaries, but also considerably increase the means they already have of destroying the trade of Spain, as has recently been the case at New York, whereby the (so called) privateers of His Majesty's revolted provinces, which are in reality nothing more than pirates, manned by the scum of all countries, enjoy greater privileges than the vessels of independent Powers.

I request you, sir, to lay particularly before the President the case which now obliges me to trouble you, in order that his Excellency, being made fully acquainted therewith, may be pleased to take such measures as are within his reach to cause the provisions of the laws of this Republic to be carefully fulfilled, to preserve the observance of the neutrality with other Powers, and prevent the infraction of the treaty existing between the two nations; and thus avoid not only the serious evils that the said pirates cause to the subjects of His Catholic Majesty, but the increase of the difficulties which the two Governments are endeavoring to overcome, for the purpose of establishing their relations upon a more friendly and permanent footing.

I flatter myself that you will honor me with your answer; and, reiterating my respects, &c.

LUIS DE ONIS.

No. 1.

[Enclosed in Don Luis de Onis's letter of November 2, 1817.]

CONSULATE OF SPAIN, NEW YORK,
September 16, 1818.

SIR: Some days ago there arrived in the port of New York an armed brig proceeding from Norfolk, which, I have been very credibly informed, is a vessel pretending to have a commission from Venezuela, but whose object, in coming to this port, was to procure an additional supply of men wherewith to commit hostilities against the subjects and possessions of the King of Spain. A few days ago I presented to the collector of the port of New York an affidavit of a man named John Reilley, stating that he had been requested to enlist on board of a vessel, which was represented to him to be the privateer schooner *Lively*, bound to Amelia Island, to join General McGregor, to invade the territories of His Catholic Majesty.

I am now informed that the brig abovementioned is the vessel alluded to, Reilley having either been mistaken in the name, or designedly deceived by the agents of the privateer. I now enclose the affidavit of John Finegan, by which you will perceive that the officers of the above brig (whose name is the *Americano Libre*, commanded by Captain Barnard) are enlisting, and have enlisted, men in this port to proceed against the Spanish possessions. I have caused application to be made to the collector, who doubts the extent of his authority in interfering with this vessel. Now, as there must be provisions in the laws and treaties of the United States vesting an

authority in some of its officers to prevent the equipment of vessels and the enlistment of men in the United States to proceed against a foreign nation at peace with the United States, I make this application to you, most urgently requesting you to take whatever measures may be necessary immediately, in order to prevent the departure of the above vessel, at least until she shall give bonds that she will not commit hostilities against Spanish subjects. The vessel, it is said, will sail to-morrow morning.

Indeed, if an inquiry were instituted, I am induced to believe that the above brig would be found to be a pirate. I have the honor, &c.

THOMAS STOUGHTON.

J. FISK, Esq., U. S. District Attorney.

Copy: LUIS DE ONIS.

No. 2.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

STATE OF NEW YORK, ss:

John Finegan, at present in the city of New York, being duly sworn, saith: That he was requested by a man, who is represented to be the commissary of the vessel next mentioned, to go out in the patriot brig now lying at the quarantine ground; that the destination of the said vessel is to fight against the Spaniards; that the deponent was told, on his arrival in the Spanish possessions, he was to join the land service of the patriots; that deponent knows of five persons who have been engaged in like manner, who are about to proceed on board said brig; that deponent was told, that, as soon as he gets on board, he will receive his advance; that officers are at present employed in the city of New York, in looking out for men, and endeavoring to enlist them to proceed in the said vessel.

JOHN FINEGAN, his X mark.

Sworn this 16th day of September, 1817, before me,

SAMUEL B. ROMAINE.

Es copia: THOMAS STOUGHTON.

Es copia: LUIS DE ONIS.

No. 3.

[Enclosed in Don Louis de Onis's letter of 2d November, 1817.]

CONSULATE OF SPAIN, NEW YORK,
September 17, 1817.

SIR: I enclose the deposition of John Reilley, relating to the privateer brig, about which I yesterday had the honor to address you. You will perceive, by the affidavit, that officers belonging to that brig are openly employed in this city in recruiting and enlisting men to join with General McGregor, and invade the possessions of the King of Spain.

I need not remind you that, by the existing laws of the United States, these enlistments are unlawful, and that not only the vessel on board of which they are to embark is liable to seizure and forfeiture, but that the captain and the offi-

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cers thereof, who are engaged in this business, are liable to a heavy fine and imprisonment. As these are flagrant violations of the laws of the United States, and calculated to produce serious injury to the property and to the possessions of His Majesty's subjects, I flatter myself that you will take, without delay, such steps as may be necessary to put a stop to these proceedings. I have the honor, &c.

THOMAS STOUGHTON.

J. FISK, Esq., *U. S. District Attorney.*

Copy: LUIS DE ONIS.

No. 4.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

STATE OF NEW YORK, *City of New York, ss:*

John Reilley, at present of the city of New York, mariner, being duly sworn, saith: That some days ago, deponent was requested to embark on board of a vessel which was said to be lying at the Narrows, in the bay of New York, for the purpose of going to join General McGregor, and to fight against the Spaniards; that, after he arrived at Amelia Island, he might either join the land service or the naval service; that deponent would be paid as soon as he got on board; that several persons were engaged in looking out for recruits to proceed upon the same service, and many men were spoken to for the purpose. Deponent was then informed that the vessel was the privateer schooner "Lively," but has since learned that it was a mistake, and that the vessel in question is the patriot brig "Americano Libre," Captain Barnard, which is lying at quarantine ground, and is armed with several large guns, and many men; that several persons, who are officers, captains, lieutenants, and so forth, are at present employed in recruiting men to join that service, and proceed in the said brig to Amelia; that many hands have already been bespoken, and are now waiting for money, which has been promised to them; that the offers to them are to give them eight dollars a month, and clothing together with ten or twelve dollars, in advance. Deponent supposes that the officers abovementioned were in treaty with about twenty persons, who were to go on board as soon as their advance was paid to them, and which the said officers told them would be during the course of the day; among the officers there is one who is called a general. That the above men were told, in deponent's presence, by the officers who were enlisting them, that they were principally wanted to join the land service against the royalists. And further the deponent saith not.

JOHN REILLEY.

Sworn this 16th day of September, 1817, before me,

F. R. TILLON, *Notary Public.*

Es copia: THOMAS STOUGHTON.
Es copia: LUIS DE ONIS.

[Enclosed in Don Luis de Onis's letter of 2d November, 1817.]

NEW YORK, *September 17, 1817.*

SIR: I have duly received your notes of yesterday evening and of this day, and have referred to the statutes providing for the punishment of the offences stated. It is not a case, from the evidence mentioned, that would justify the collector in detaining the vessel; the aggression is to be punished in the ordinary mode of prosecuting those who are guilty of misdemeanors. Oath is to be made of the facts by the complainant, who enters into a recognizance to appear and prosecute the offenders, before any process can issue. This oath being made, and recognizance taken, the judge of the circuit court will issue a warrant to apprehend the accused, and bring them before him, to be further dealt with according to law. When apprehended, it is the province of the attorney of the United States to conduct the prosecution to judgment. I have no authority to administer an oath, or to issue a warrant, nor have I the power to issue any process to arrest and detain the vessel in question, unless by the direction of an Executive officer of the United States. By the reference you have furnished, the parties complained of are to be prosecuted either under the fourth section of the act of Congress passed on the 3d March, 1817, or under the second section of the act passed 5th June, 1794. By adverting to these statutes, it will be seen that the vessel is not liable to seizure for the act of any person enlisting himself to go on board, or for hiring or retaining another person to enlist. The punishment is personal to the offenders; and those who disclose the fact, on oath, within thirty days after enlisting, are protected from prosecution. The offenders are to be arrested and prosecuted in the manner I have stated. I beg you to be assured, sir, that it is not from a disposition either to shrink from the performance of my duty, or to decline interfering to defeat any illegal enterprise against the subjects or possessions of a Power with whom the United States are at peace, that I have stated to you the embarrassments I must encounter in attempting a compliance with your request upon any information with which I am furnished. If it is in your power to procure the names of the parties, and the evidence upon which a prosecution for a misdemeanor can be founded, I will readily co-operate with the proper authorities in having every offender arrested and brought to justice. It is impracticable for me, or any any other officer of the United States, to take any legal measures against aggressors upon the indefinite statement of certain persons being concerned in an illegal transaction. Since the receipt of your notes, I have had an interview with the collector, and we are unable to discover any other legal course of proceeding in this case than that adopted in the ordinary cases of misdemeanor. I have the honor to be, &c.

JONATHAN FISK.

THOMAS STOUGHTON, Esq.
Es copia: THOS. STOUGHTON.
Copy: LUIS DE ONIS.

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No. 6.

[Enclosed in Don Luis de Onís's letter of 2d November, 1807.]

CONSULATE OF SPAIN, NEW YORK,
September 19, 1817.

SIR: I have the honor to acknowledge having received yesterday your letter dated the 17th instant, in reply to mine of the 16th and 17th, wherein you mention that the case whereof I informed you in those communications was not one which would justify the collector in detaining the vessel; that the aggression is to be punished in the ordinary mode of prosecuting those who are guilty of misdemeanors; that oath is to be made of the facts by the complainant, who enters into a recognizance to appear and persecute the offenders before any process can issue; that this oath being made, and recognizance taken, the judge of the circuit court will issue a warrant to apprehend the accused and bring them before him, to be further dealt with according to law; and that, when apprehended, it is the province of the attorney of the United States to conduct the prosecution to judgment; that you have no authority to administer an oath or to issue a warrant, nor have you the power to issue any process to arrest and detain the vessel in question, unless by the direction of an executive officer of the United States.

In reply, permit me to request that you will take this subject again into your serious reflection. I do not urge it for the present occasion, because, even though you should upon consideration adopt a different opinion from that which you have communicated to me, it is now too late, since the vessel in question sailed from this port this morning. But, sir, can it be possible that the doctrine can be correct which you lay down in your letter, and which forms your reason for declining to proceed against the persons who were enlisting men in this city, with the open and avowed design of taking them in a privateer under the Venezuela flag to join with McGregor, and commit hostilities against the Spanish possessions? I furnished you with the affidavits of two persons stating the fact, and you will excuse me in saying that I cannot think the laws of the United States render it incumbent upon me to present myself before a judge of the circuit court, and enter into bonds to appear and prosecute the offenders. On the contrary, sir, the thirty-fifth section of the judiciary act imposes upon the Attorney of the United States for each district the duty of prosecuting all delinquents for crimes and offences cognizable under the authority of the United States. I conceive, therefore, that as soon as the Attorney of the United States receives information of the infraction of the laws, it becomes his duty to take such measures as may be necessary to bring the offenders to justice; he is the person who must take the witnesses before a judge or magistrate; he must become the informer; he must prosecute; that is, he must take, or cause to be taken, the steps which are necessary to arrest the offenders and bring them to punishment. I am more confirmed in this belief, because the thirty-third sec-

tion of the judiciary act directs that offenders may be imprisoned by a judge or magistrate, at the expense of the United States, and leaves it discretionary to the witness to appear and testify. That act does not require that the informer should enter into bonds to appear and prosecute. The offence of which I have complained is of a most serious nature. The United States should not afford means to one nation at peace with them to annoy and invade another nation also at peace with them. And it becomes the duty of all the officers of the United States, as they value the reputation and the interest of their country, to discharge with alacrity and zeal those duties assigned to them, which can preserve the neutrality of their country, and prevent its becoming the centre of reunion for the enemies of Spain, and to prevent their own citizens joining in measures of hostility and aggression. It is a matter of notoriety that the insurgent Governments of South America all have their agents in this country; that swarms of privateers are fitted out, armed, and equipped for war in the United States; and all the injuries and desolation committed by them upon the Spanish commerce emanate from the facilities which they find in the United States to prepare themselves for these outrages. And, sir, Congress having passed laws rendering these acts illegal, I cannot admit that individuals must undertake the task of informing against and prosecuting the offenders. These offences are against the dignity of the country; they affect the community at large. I cannot, therefore, bring myself to believe that it is the province of individuals to bind themselves to prosecute offenders, any more than I can think it is the duty of an individual who gives information that a murder has been committed to enter into bonds to prosecute the murderer. No, sir; the laws must have confided this odious but necessary task to its public officers; they must see that offenders are brought to punishment; and, sir, I do further consider that this duty has by law been devolved upon you. Regretting, therefore, that this expedition has been permitted to proceed unmolested, notwithstanding the information which I communicated to you, you will excuse me if, on all future occasions of a similar nature, I should renew my application to you to prevent a new aggression.

I beg you to be assured, &c.,

THOMAS STOUGHTON.

J. FISK, Esq., U. S. District Attorney.

Es copia: LUIS DE ONÍS.

The Chevalier de Onís to the Secretary of State.

PHILADELPHIA, Nov. 2, 1817.

SIR: I have just received a statement, dated the 14th of July, addressed to me by the directors of the Royal Philippine Company at Madrid, informing me of the unfortunate fate of two ships belonging to the said company, the one named "Nuestra Señora del Buen Suceso," alias "La Esperanza," and the other "El Triton," captured the first on the 8th of June last, the day on which she sailed from Cadiz for Calcutta and Manilla,

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by the pretended insurgent privateers "La Independencia del Sud," commanded by James Chaytor, of 18 guns and one traversing 42 pounder; and the Mangore, under the orders of the same Chaytor, of 14 guns and one traversing 36 pounder; and the ship "Triton," from Calcutta and the coast of Coromandel, which was captured off the Cape de Verd islands, after a gallant defence of two hours and a half, in which she lost twenty killed, and sprung her foremast, by a privateer (of the same description as the two above mentioned) called the Regent, alias Trepacamara, commanded by one Manson, who, when seventeen days out from Baltimore, fell in with the "Triton," and conducted her as a prize to Buenos Ayres, where she arrived on the 2d day of April last, according to the advices received by the underwriters at Lloyd's from their agent at Buenos Ayres.

The directors of the Royal Philippine Company, in giving me an account of these distressing events, inform me that they have understood, by the advices which I have given to the principal Secretary of State of the King, my master, that Captain James Chaytor, of the piratical vessel "La Independencia del Sud," kept depending a demand made at the instance of the Spanish Consul at Norfolk, relative to the safe-keeping of certain Spanish property deposited in the custom-house of that port by the above-named pirate, and one called the "Altavala;" whence it is incontestably proven that the armanent of "La Independencia del Sud" is made in the ports of these States, and that the captain, officers, and the greater part of her crew, are likewise subjects of the same States. From presumptive causes and circumstances, they suppose that the other privateer may be the "Regent," alias "Trepacamara." Captain Manson, which vessel sailed from Baltimore seventeen days previous to his capturing the "Triton."

I have repeatedly found myself under the painful necessity of representing to the President, through the medium of your predecessors, that the fourteenth article of the treaty between His Catholic Majesty and the United States establishes the most positive right of reclamation on the Government and those citizens who have taken or do take part in the numerous armaments of privateers which have taken place in the ports of this Republic, under cover of the pretended commissions so profusely circulated by the insurgents of the revolted provinces of the King, my master, to attack openly and in a barefaced manner the subjects and commerce of Spain; and that the same article declares those to be pirates who engage in these horrid cruises, and consequently obliges the contracting parties to punish them as such, as a just atonement for their offences. On the 2d and 15th of January, and on the 29th of March last, I officially addressed your immediate predecessor, and remonstrated against the robberies and outrages committed by various privateers, and among others, by those called "Independencia del Sud" and "Mangore," the captains of which, James Chaytor and Barnes,

are citizens of these States. In the note transmitted to the Secretary on the 4th of March, [14th March,] I found myself under the necessity, in consideration of the excesses committed against the subjects of the King, my master, and of those which, through the impunity and toleration of some of the authorities of this country, were about to be repeated by vessels bought, armed, manned, and equipped in the ports of this Republic, in violation of the laws of nations, of the express stipulations of an existing treaty, and of the rights of humanity; and in discharge of my duty, I was laid under the necessity, I say, of representing and remonstrating, in the name of my Sovereign, on the subject of the injuries and losses which had already resulted, and might further result, to his subjects; and, at the same time, of protesting against the authors of the same. The capture of the ship "Esperanza" has been one of the fatal consequences of allowing the privateer "Independencia del Sud" to proceed freely to sea from Norfolk, after His Catholic Majesty's Consul, Don Antonio Argote Villalobos, had made proof of the illegal conduct and atrocious acts of her captain, James Chaytor; and that of the ship "Triton" proceeds likewise from toleration granted in this country of arming and equipping against the trade of Spain; under which supposition, I cannot refrain from stating to you, in order that you may be pleased to communicate the same to the President, that the aforesaid Royal Company of the Philippines have an incontestable right to claim of this Republic full compensation for the value of the said ships and cargoes, by reason of the armament of the privateers which captured them having been made in its ports.

I have the honor to enclose, for the suitable purposes, a note of the articles shipped on board the "Esperanza," at Calcutta and Manilla, for the account of the Royal Philippine Company, and of the return cargo of the "Triton," from Bengal and the coast of Coromandel to Cadiz; which sums united, amount, according to the invoice, to that of seven hundred and one thousand nine hundred and eighty dollars; to which is to be added an interest of fifteen per cent. on the disbursement of the amount of the cargo of the "Triton," for the period of one year and a half, and of six per cent. in Europe on the cargo of the "Esperanza."

I hope you will take into consideration the contents of this note, and be pleased to call the attention of the President to the interesting subject treated of in it, that His Catholic Majesty may adopt such measures as his wisdom may dictate to him, for the purpose of collecting, as far as it may be possible, any parts of the two prizes above named, for the benefit of their owners, and at the same time, giving orders to the competent authorities in the ports of this Republic to discover such effects as may arrive, making part of the same.

I therefore hope this from your established zeal, and the well known rectitude of the President, deferring to my return to the Seat of Government the verbal communication of a plan

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which I have meditated, from a desire to settle amicably an affair of such importance.

I avail myself, &c.,

LUIS DE ONIS.

NAVAL ARMAMENT ON THE LAKES.

[Communicated to the Senate, April 6, 1818.]

To the Senate of the United States :

An arrangement having been made and concluded between this Government and that of Great Britain, with respect to the naval armament of the two Governments, respectively, on the lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties. I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the Constitution, or is such a one as requires the advice and consent of the Senate, and, in the latter case, for their advice and consent, should it be approved.

JAMES MONROE.

APRIL 6, 1818.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary, to Mr. Monroe, Secretary of State.

WASHINGTON, July 26, 1816.

SIR: Mr. Adams having intimated to His Majesty's Government that it was the wish of the Government of the United States that some understanding should be had, or agreement entered into, between the two countries, in regard to their naval armaments upon the lakes, which, while it tended to diminish the expenses of each country, might diminish also the chances of collision, and prevent any feelings of jealousy, I have the honor to acquaint you that I have received Lord Castlereagh's instructions to assure you that His Royal Highness the Prince Regent will cheerfully adopt, in the spirit of Mr. Adams' suggestion, any reasonable system which may contribute to the attainment of objects so desirable to both States.

Mr. Adams not having entered into any detailed explanation of the precise views of his Government for giving effect to the principle which he had offered for consideration, the British Government is unacquainted with the particular arrangements which the Government of the United States would propose to make for this purpose; but I have been instructed to assure you of the general disposition of His Royal Highness the Prince Regent to listen with satisfaction to any proposal which may secure such ends, and of his readiness to act in a spirit of the most entire confidence upon the principle which has been suggested by Mr. Adams.

I have the honor to be, &c.

CHARLES BAGOT.

HON. JAMES MONROE.

Mr. Monroe to Mr. Bagot.

DEPARTMENT OF STATE,

August 2, 1816.

SIR: I have had the honor to receive your letter of the 26th of July, by which you inform me that Mr. Adams had intimated to your Government the desire of the President to arrange, by compact, the naval force which should be retained on the lakes by both nations, with a view to lessen equally the expense of each, and likewise to guard against collision, but that he had not explained in sufficient detail the proposal which he had been authorized to make, to lead, at that time, to any practical result. You assure me that His Royal Highness the Prince Regent is well disposed to the object, and that, in concert with this Government, he is willing to adopt such measures as may be deemed expedient to give it effect.

The President, being satisfied that, if each nation should maintain on the lakes a large naval force, it would expose both to considerable and useless expense, while it would multiply the risks of collision between them, instructed Mr. Adams, shortly after the peace, to make the proposals which you mention, in the hope, from the amicable spirit in which it was conceived, and the advantage which it was believed both parties would derive from it, that it might be carried into immediate effect. It is very satisfactory to the President to find that your Government approves the principle on which the proposal is founded, and that His Royal Highness the Prince Regent is willing to act on it.

I infer from your letter that you are desirous of obtaining a precise project, either for the purpose of acting on it here immediately, in conformity with the powers already given you, or of transmitting it to your Government for its consideration. Whether it be for the one or the other purpose, I am instructed to afford all the facility that I may be able; though it would, undoubtedly, be more agreeable to the President that the arrangement should be made and executed with the least delay possible.

I have the honor now to state that the President is willing, in the spirit of the peace which so happily exists between the two nations, and until the proposed arrangement shall be cancelled, in the manner hereinafter suggested, to confine the naval force to be maintained on the lakes, on each side, to the following vessels: that is, on Lake Ontario, to one vessel not exceeding one hundred tons burden, and one eighteen-pound cannon; and on the upper lakes, to two vessels of like burden and force; and on the waters of Lake Champlain, to one vessel not exceeding the like burden and force; and that all other armed vessels on those lakes shall be forthwith dismantled; and, likewise, that neither party shall build or arm any other vessel on the shores of those lakes.

That the naval force thus retained by each party on the lakes shall be restricted in its duty to the protection of its revenue laws, the trans-

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portation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party.

That should either of the parties be of opinion, hereafter, that this arrangement did not accomplish the object intended by it, and be desirous of annulling it, and give notice thereof, it shall be void and of no effect after the expiration of — months from the date of such notice.

If this project corresponds with the views of your Government, and you are authorized to accede to it, under any modifications which you may propose, and in which we can agree, I am instructed to give it immediate effect, either by convention, the interchange of notes, or in any form which may be thought best adapted to the ends proposed. If, on the other hand, you consider it your duty to submit this project to your Government for consideration, and to wait its sanction before you can adopt it, and have power to make, *ad interim*, any provisional reciprocal arrangement, having the same objects in view, I shall be happy to digest with you such provisional arrangement, and to carry it reciprocally into effect, for such time, and in such manner, as may be agreed on; or, should your powers be adequate, I am ready to concur in an immediate suspension of any further construction or equipment of armed vessels for any of the waters above named.

I have the honor to be, &c.

JAMES MONROE.

Right Hon. CHARLES BAGOT, &c.

Mr. Bagot to Mr. Monroe.

WASHINGTON, August 6, 1816.

SIR: I have had the honor to receive your letter of the 2d instant, containing the project of an arrangement into which it is proposed that our respective Governments should enter, for the purpose of giving effect to the principle upon which I had the honor to acquaint you, in my letter of the 26th ultimo, that His Royal Highness the Prince Regent was willing to act in respect to the naval armaments upon the lakes.

The general coincidence of sentiment which exists between our Governments, in regard to entering into some arrangement upon this subject, gives reason to hope that the several parts of it will become matter of easy adjustment; but as, in the consideration of any precise proposition to this effect, reference must necessarily be had to various points connected with the internal administration of His Majesty's provinces, and to the naval assistance which the ordinary business of a Peace Establishment may require, I am not authorized to conclude, definitively, any agreement as to details, without previously submitting it to my Government.

I shall, therefore, immediately forward for consideration the proposal contained in your letter; but I shall, in the meantime, willingly take upon myself to give effect to any arrangement upon which we may mutually agree, for the purpose of suspending the further construction and

equipment of armed vessels upon the lakes, and of generally abstaining from exertion in those quarters.

I have the honor to be, &c.

CHARLES BAGOT.

Hon. JAMES MONROE, &c.

Mr. Monroe to Mr. Bagot.

DEPARTMENT OF STATE, Aug. 12, 1816.

SIR: I have had the honor to receive your letter of the 6th of this month, by which you inform me that, although you have full confidence that an agreement will be finally entered into by our Governments to limit in a satisfactory manner the naval force to be maintained by them on the lakes, you consider it your duty to submit to your Government the project which I lately communicated to you to that effect, and to wait its orders, before you can proceed to make a definitive arrangement on the subject. You intimate, however, that you are willing to give effect to any arrangement on which we may agree, for suspending, in the meantime, the further construction and equipment of armed vessels on the lakes, and for abstaining from further exertion there.

To this delay no objection is entertained, provided such a provisional arrangement is made as may accomplish the just objects which our Governments have in view. This arrangement, however, like the other, should be equal. In the same spirit, therefore, I now propose the regulations stated in my former note to be adopted as a provisional arrangement. If your powers authorize, and you approve those regulations, on being assured that you will adopt a similar measure, an order will be immediately issued by this Government for carrying them fully into effect.

If your powers do not extend to this object, but are confined exclusively to the suspension of the further augmentation of the naval force on the lakes, I have then to observe, that, on receiving from you a statement of the force which your Government now has on the lakes, with an assurance that its further augmentation shall be suspended, an order will be immediately issued by this Government for confining the naval force of the United States there strictly within the same limit.

I have the honor to be, &c.

JAMES MONROE.

Right Hon. CHARLES BAGOT, &c.

Mr. Bagot to Mr. Monroe.

WASHINGTON, August 13, 1816.

SIR: I have had the honor to receive your letter of yesterday's date. For the same reasons which I have assigned in the letter which I had the honor to address you on the 6th instant, I conceive that I am not authorized to make, even provisionally, any precise agreement as to the exact manner in which the respective naval forces upon the lakes shall be limited; as, in any such agreement, whether permanent or provisional, ref-

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erence must equally be had to the arrangements of a Peace Establishment and the ordinary administration of His Majesty's provinces.

I am not in possession of a correct statement of His Majesty's naval force now in commission upon the lakes, but I will take the earliest means of procuring and communicating to you the most accurate information upon this point; and I can, in the meantime, give you the assurance that all further augmentation of it will be immediately suspended.

I have the honor to be, &c.

CHARLES BAGOT.

Hon. JAMES MONROE, &c.

The same to the same.

WASHINGTON, November 4, 1816.

SIR: In conformity with the arrangement made between us in our correspondence of the 12th and 13th of August last, I have now the honor to enclose to you an account of the actual state of His Majesty's naval force upon the lakes; and to acquaint you that its further augmentation is suspended until the sentiments of His Majesty's Government upon the project contained in your note of the 5th [2d] of August (and which I have transmitted to Lord Castle-reagh) are known.

I have the honor to be, &c.

CHARLES BAGOT.

Hon. JAMES MONROE, &c.

Statement of His Majesty's naval force on the Lakes of Canada, September 1, 1816.

ON LAKE ONTARIO.

St. Lawrence, can carry 110 guns, laid up in ordinary.

Psyche, can carry 50 guns, laid up in ordinary.

Princess Charlotte, can carry 40 guns, laid up in ordinary.

Niagara, can carry 20 guns, condemned as unfit for service.

Charwell, can carry 14 guns, hauled up in the mud; condemned likewise.

Prince Regent, can carry 60 guns, in commission, but unequipped, being merely used as a barrack or receiving ship, and the Commander-in-chief's headquarters.

Montreal, in commission, carrying 6 guns; used merely as a transport for the service of His Majesty.

Star, carrying 4 guns; used for current duties only, and unfit for actual service.

Netley, schooner, carrying no guns; attached for the most part to the surveyors, and conveying His Majesty's servants from port to port.

There are, besides the above, some row-boats, capable of carrying long guns; two 74-gun ships on the stocks, and one transport of four hundred tons, used for conveying His Majesty's stores from port to port.

ON LAKE ERIE.

Tecumseh and Newark, carrying four gunseach; and Huron and Sauk, which can carry one gun

each. These vessels are used principally to convey His Majesty's servants and stores from port to port.

ON LAKE HURON.

The Constance and Surprise schooners, which may carry one gun each, and are used for purposes of transport only.

ON LAKE CHAMPLAIN.

Twelve gun-boats; ten of which are laid up in ordinary, and the other two (one of which mounts four guns, and the other three guns) used as guard-boats. Besides the above, there are some small row-boats, which are laid up as unfit for service.

Keel, stem, and stern-post of a frigate, laid down at the Isle aux Noix.

J. BAUMGARDT,

Captain H. M. ship *Prince Regent*, &c.

Mr. Monroe to Mr. Bagot.

DEPARTMENT OF STATE, Nov. 7, 1816.

SIR: I have received and laid before the President your letter of the 4th instant, in which you do me the honor to give me an account of the actual state of His Britannic Majesty's naval force on the lakes, with an assurance that its further augmentation is suspended until the sentiments of your Government upon the project contained in my note of the 5th [2d] of August are known.

As this proceeding is in conformity to one of the propositions heretofore made by me, I have now the honor to enclose to you an account of the actual state of the naval force of the United States on the lakes, and to assure you that orders will be immediately given by this Government to prevent any augmentation of it beyond the limit of the British naval force on those waters. I have the honor to be, &c.

JAMES MONROE.

The same to the same.

DEPARTMENT OF STATE, Nov. 8, 1816.

SIR: I have the honor to inform you that the orders alluded to in my letter of yesterday's date, in relation to the naval force on the lakes, have been given by this Department. I am, &c.

JAMES MONROE.

Mr. Bagot to Mr. Monroe.

NOVEMBER 8, 1816.

SIR: In the statement of the American naval force upon the lakes, which I yesterday morning received from you, at your office, in exchange for a similar statement at the same time delivered to you of the naval force of His Majesty, I observe that no return is made of any force upon the upper lakes.

I shall be much obliged to you, if you will have the goodness to acquaint me whether the force upon those lakes is comprehended in the return

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of that upon Lake Erie. I have the honor to be, &c.
CHARLES BAGOT.

Hon. JAMES MONROE, &c.

Mr. Monroe to Mr. Bagot.

NOVEMBER 8, 1816.

SIR: I hasten to inform you, in reply to your letter of this date, that the naval force of the United States upon the upper lakes is comprehended in the return of that upon Lake Erie, which I gave to you yesterday. I have the honor, &c.

JAMES MONROE.

Mr. Bagot to Mr. Rush, Acting Secretary of State.

WASHINGTON, April 28, 1817.

The undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acquaint Mr. Rush that, having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the undersigned, upon the subject of a proposal to reduce the naval force of the respective countries upon the American lakes, he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States that His Royal Highness is willing to accede to the proposition made to the undersigned by the Secretary of the Department of State, in his note of the 2d August last.

His Royal Highness, acting in the name and on behalf of His Majesty, agrees that the naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen pound cannon.

On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

And His Royal Highness agrees, that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees, that, if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government that His Royal Highness has issued orders to His Majesty's officers on the lakes, directing that the naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned has the honor to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

Mr. Rush to Mr. Bagot.

DEPARTMENT OF STATE, April 29, 1817.

The undersigned, acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty the correspondence which passed last year between the Secretary of State and himself, upon the subject of a proposal to reduce the naval force of the two countries upon the American lakes, he had received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the 2d of August last.

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent having acceded to the proposition of this Government, as contained in the note alluded to; and, in further answer to Mr. Bagot's note, the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed in the note of the 2d of August, agrees that the naval force to be maintained upon the lakes by the United States and Great Britain shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

On the upper lakes, to two vessels, not exceeding the like burden each, and armed with like force; and

On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

And it agrees that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed.

And it further agrees that, if either party should hereafter be desirous of annulling this stipulation, and should hereafter give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned is also directed by the President to state that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

Mr. Rush to Mr. Crowninshield, the Secretary of the Navy.

DEPARTMENT OF STATE, April 30, 1817.

SIR: I have the honor to enclose to you, herewith, the copy of a letter, dated yesterday, embracing the terms of a stipulation which has been

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entered into with the British Government relative to the reduction of the naval force upon the lakes, and to request, in conformity with the President's desire, that you will be so good as to issue such orders as may be necessary for giving all the contemplated effect to the stipulation in question. I am, &c.

RICHARD RUSH.

Mr. Crowninshield, Secretary of the Navy, to Captain D. S. Dexter, commanding naval officer of the United States, Erie, Pennsylvania.

NAVY DEPARTMENT, May 2, 1817.

SIR: Conformably to stipulations which have been recently entered into between this Government and that of Great Britain, it is agreed that the naval force to be maintained on the upper lakes—viz: Erie, Huron, &c.—shall henceforth be confined to two vessels on each side, neither of which to exceed one hundred tons in burden, nor mount more than one eighteen pounder. The schooners Porcupine and Ghent—the former armed with an eighteen pounder, and the latter with a twelve or eighteen pounder, will be retained for occasional service upon the upper lakes; in the performance of which you will be particularly careful not to interfere in any respect with the proper duties of the British armed vessels.

For your information and government, I enclose to you, herewith, an extract copied from the stipulations. I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain D. S. DEXTER,
Com'g Naval Officer, Erie, Penn.

The Secretary of the Navy to Captain Woolsey.

NAVY DEPARTMENT, May 2, 1817.

SIR: Conformably to stipulations which have been recently entered into between this Government and that of Great Britain, it is agreed that the naval force to be maintained on Lake Ontario shall henceforth be confined to one vessel on each side, not exceeding one hundred tons burden, and mounting not more than one eighteen pounder. The schooner Lady of the Lake, armed with one eighteen pounder, will be retained on Lake Ontario for occasional service; in the performance of which you will be particularly careful not to interfere in any respect with the proper duties of the British armed vessel.

For your information and government, I enclose to you, herewith, an extract copied from the stipulations.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain M. T. WOOLSEY,
Com'g Naval Officer, Sackett's Harbor.

The Secretary of the Navy to Captain Leonard.

NAVY DEPARTMENT, May 2, 1817.

SIR: Conformably to stipulations which have been recently entered into between this Government and that of Great Britain, it is agreed that

the naval force to be maintained on Lake Champlain shall henceforth be confined to one vessel on each side, not exceeding one hundred tons burden, and mounting not more than one eighteen pounder. The galley Allen, with her armament of one twelve or eighteen pounder, will be retained for occasional service upon Lake Champlain; in the performance of which you will be particularly careful not to interfere in any respect with the proper duties of the British armed vessel.

For your information and government, I enclose to you, herewith, an extract copied from the stipulations.

I am, very respectfully, &c.

B. W. CROWNINSHIELD.

Captain JAMES T. LEONARD.
Com'g Naval Officer, Whitehall, N. Y.

[This arrangement having been approved by the President, the following proclamation was issued.]

By the President of the United States of America.

A PROCLAMATION.

Whereas an arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the right honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty; which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes, by His Majesty and the Government of the United States, shall henceforth be confined to the following vessels on each side, that is—

"On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Spain—Imprisonment of Citizens of the United States.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

J. Q. ADAMS, *Secretary of State.*

SPAIN—IMPRISONMENT OF CITIZENS OF THE UNITED STATES.

[Communicated to the House, April 15, 1818.]

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 10th instant, relative to the capture and imprisonment of certain persons, citizens of the United States, therein specifically mentioned, I now transmit a report from the Secretary of State, which, with the documents accompanying it, embrace the objects contemplated by the said resolution.

JAMES MONROE.

APRIL 15, 1818.

DEPARTMENT OF STATE, April 13, 1818.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 10th inst. requesting information relative to the capture and imprisonment, at Santa Fe, in Mexico, of Auguste Pierre Chouteau, Julius Demun, and their company, Robert McKnight, James Baird, and their company, likewise J. Farro, citizens of the United States, has the honor of submitting to the President copies of the papers in this Department concerning the subject of that resolution, in relation to McKnight, Baird, and their company. He transmits, at the same time, the original papers which contain the information relative to the place where Chouteau, Demun, and their company were captured, requested by the resolution of the House.

1. Deposition of Baptisti Ficio and others, taken 25th September, 1817, before F. M. Guyolo, a justice of the peace in the Missouri Territory.

2. Depositions of Toussaint Charbonneau and Michel Carriere.

3. Letter from Julius Demun to the Governor of the Missouri Territory, enclosing a draught of a map, showing the spot where he (Demun) and his company were taken.

4. Statements marked A, B, C, and D, of expenditures by Chouteau and Demun.

There is at the Department no information relative to the capture or imprisonment of J. Farro.

It is desirable that the original papers, after 15th CON. 1st Sess.—62

being communicated to the House, should, if they think proper, be returned to this Department.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, Feb. 8, 1817.

SIR: As you have intimated a willingness to interpose your good offices in behalf of the unfortunate persons to whom the enclosed papers relate, I deem it unnecessary to do more than request your early attention to the subject.

If you could, in addition to your application to the Viceroy of Mexico, address one to the local authorities at Santa Fe, the relatives of the unfortunate captives would undertake to have it forwarded across the country from St. Louis, provided you would give the passport necessary for the protection of the messenger. This appears to me the best method of effecting an early release of the captives, and I take the liberty to recommend it accordingly. I have, &c.

JAMES MONROE.

The CHEVALIER DE ONIS.

Don Luis de Onis to the Secretary of State.

WASHINGTON, February 13, 1817.

SIR: I have had the honor to receive your note of the 8th instant, with several enclosures, relating to certain individuals detained in the province of Santa Fe, on the ground of their having entered the Spanish territory without being furnished with the necessary passports.

In conformity to what I before stated to you, I shall transmit these documents to the Viceroy of Mexico, and specially recommend this business to his attention, with a request to exert his authority to cause these persons to be immediately liberated, provided there appear no sufficient reason to the contrary.

With respect to the passport requested by you, to enable the families of the parties so detained to send a messenger by land, and apply immediately to the local authorities of Santa Fe, I am sorry to say it is not in my power to grant it; His Majesty having, under the existing circumstances, reserved to himself the right of issuing passports, through the medium, exclusively, of his principal Secretary of State, for the admission and passage of any individual whatsoever into his colonial territories; but, with a view to facilitate, as far as depends on me, this application to the Viceroy, I now do myself the honor to enclose a duplicate of my letter to that officer, to enable you to avail yourself of one of the frequent opportunities which now offer directly for Vera Cruz, in consequence of the opening of that port for the vessels of all friendly nations taking provisions thither. I renew to you, &c.

LUIS DE ONIS.

Hon. JOHN Q. ADAMS.

WASHINGTON CITY, Dec. 29, 1817.

SIR: In 1811 or 1812, Robert McKnight, Benjamin Shrive, James Baird, Alfred Allen, Michael

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McDonough, William Mines, Samuel Chambers, Peter Bauman, Thomas Cook, and one Miers, as their interpreter, and probably some others whose names I do not know, all citizens of the United States, of the Missouri Territory, went up the Missouri river, and from thence into the Spanish provinces; they were arrested and imprisoned by the authorities of that country, at Santa Fe, and from then till now have been detained from returning to their families and their homes. Last Winter I laid this subject before the Secretary of State, and he procured from the Spanish Minister something like an order (the Minister not feeling authorized to give more) for their release, (triplicates;) one was stated to have been sent directly to the Viceroy, another was said to have been sent on for the royal signature, and the third was given to me, with a view of having it sent directly on from St. Louis, by some gentlemen who were expected to go shortly through, but who did not go. The paper thus obtained did not amount to a passport to protect any person who would bear the same; and the consequence was, no person would venture to be the bearer of it, when they also ran the risk of being immersed with those they went to relieve; and it is presumed, from the delay, either that the orders have never reached the Viceroy, or have been disregarded. I understood, even if the copy of the order destined directly to reach the Viceroy did arrive, that it did not amount to positive orders for their release, but recommended it, and that they should be furnished with the means of returning home; and, should this fail, the one sent for the royal signature at all events would procure their release.

I hope you will take up this subject; and if an order for their discharge can be obtained, together with a passport, they have friends (and some of them brothers) at St. Louis, who would go or send instantly to their assistance.

If deemed proper by you, I should be glad to know the result as early as possible.

I have the honor to be, &c.

Hon. J. Q. ADAMS.

JOHN SCOTT.

The Secretary of State to Don Luis de Onis, Envoy Extraordinary and Minister Plenipotentiary from Spain.

DEPARTMENT OF STATE,
WASHINGTON, Jan. 7, 1818.

SIR: I have the honor to enclose a copy of a letter received at this department from the Delegate in Congress of the Missouri Territory, and to request information of you whether you have received any advices showing the effect of the applications suggested in the letter to have been transmitted by you, in behalf of the persons stated to have been imprisoned at Santa Fe; and if you have not, I am directed by the President to ask of you a renewed application for the release of these citizens of the United States; and, if that is obtained, a passport or safe-conduct for any friend or relation of the prisoners to go to Santa

Fe, for the purpose of furnishing them the means of returning to their country.

Be pleased, sir, to accept, &c.

JOHN QUINCY ADAMS.

Don Luis De Onis to the Secretary of State.

WASHINGTON, January 12, 1818.

SIR: In answer to your very esteemed note of the 7th of this month, enclosing a letter from the Delegate of the Missouri Territory, I have to assure you of my great regret in not being able to communicate to you positive information of the result or effect of the application which I made on the 13th of February last, to the Viceroy of New Spain, in behalf of Mr. James Baird, Mr. McKnight, and other individuals arrested by the Spanish authorities, on the ground of their having entered the territory of New Mexico, on their way from St. Louis to the capital, without being furnished with the necessary passports.

On the same date I made a representation of this case to His Catholic Majesty's Government, and I requested both His Majesty and the Viceroy of New Spain to be pleased to take into consideration the innocence or good faith of the parties in question, by permitting and facilitating their return to St. Louis, or other point on the frontier most convenient to them.

I have yet received no answer either from my Court or from Mexico, which is doubtless to be attributed to accidental circumstances, such as the miscarriage of letters, and others of the like nature, which frequently happen. But, being anxious to comply with your wishes, and render a service to the above-mentioned individuals, I shall renew my application and request to the Viceroy of New Spain, and again make a communication on this subject to my sovereign. I am sorry, however, to inform you, that it is not within my province to grant the passport wished for Santa Fe, in New Mexico, as it is only His Catholic Majesty's principal Secretary of State who has authority to issue passports of that nature.

In consequence of which I enclose a duplicate open letter for the Viceroy of Mexico, which may be transmitted by the parties interested, by the way of Havana, to some merchant or other person there, to be by them forwarded and properly recommended to Vera Cruz, for the purpose of obtaining a speedy answer and ascertaining the result, which I flatter myself will be completely satisfactory, provided nothing has occurred in the case repugnant to the laws of the monarchy, and those particularly regulating the affairs of the Indies.

I shall forward a triplicate and quadruplicate of the same letter to the Viceroy, it not being in my power to do more. I avail myself, &c.

LUIS DE ONIS.

Don Luis de Onis to Don Ruiz de Apodaca, Viceroy of the Kingdom of New Spain.

WASHINGTON, January 12, 1818.

MOST EXCELLENT SIR: On the 13th of Febru-

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ary, of last year, I had the honor to inform your Excellency that the Secretary of State of the Republic had addressed to me a note, requesting me to employ my good offices with your Excellency in behalf of a Mr. James Baird, who, together with the persons named McKnight, Mercer, Server, Allen, Brown, *alias* Baum, McDonough, and others, had been arrested and imprisoned at Santa Fe, having been found within the territory of New Mexico without passports. I then stated to your Excellency, that it was alleged by the families of the above-mentioned citizens of these States, that their error proceeded from their ignorance of our laws for the administration of the Indies, that is, those which prohibit an entrance into the country to all foreigners, and that their object in going to Santa Fe was purely and simply commercial; in consideration of which, I could not do less than recommend to your Excellency to give due attention to the request of the said Secretary, by ordering the requisite inquiries to be made, and the persons so detained to be liberated, provided there appeared no sufficient reasons to the contrary, that they might immediately return to their families.

As I have yet received no answer from your Excellency on this subject, and the Secretary of State has addressed to me another note, on the 7th instant, enclosing a copy of a statement of the deputy of Missouri Territory, to which the parties in question belong, and requesting me to communicate to him the result of my recommendation to your Excellency in behalf of the sufferers, I think it my duty to renew it to you, as I now do in the most particular manner, in the hope that your Excellency will give immediate orders that, with an especial reference to this matter, the necessary inquiries be made into the case of James Baird and other American citizens confined at Santa Fe, and that, in consideration of the length of time since their arrest and separation from their distressed families, and of their unintentional error, your Excellency will be pleased to mitigate as far as possible the punishment they may have incurred, by granting them permission and the requisite facilities to return to the Missouri Territory, or other part of the American territory most suited to their convenience.

I doubt not that your Excellency will pay due attention to this request, and communicate to me the result with all possible despatch, that I may give the necessary information to this Government. In the mean time, I renew, &c.

LUIS DE ONIS.

Statement and proof in case of Chouteau and Demun, of their loss and treatment by the Spaniards.

UNITED STATES, TERRITORY OF MISSOURI,
County of St. Louis, sct :

The undersigned, having been first duly sworn on the holy evangelists, severally depose and say: That, in the beginning of September, 1815, they were engaged by Auguste P. Chouteau & Co. at St. Louis, in the Territory of Missouri, for a

trading expedition with the Indians of the headwaters of the rivers Arkansas and Platte. The party, conducted by the said Auguste P. Chouteau, proceeded to their grounds on the headwaters of the Arkansas, and continued the trade until the Spring of 1817; at which time our encampment was visited by a guard of Spaniards, two hundred or more in number, the commanding officer of which guard was the bearer of an order from the Governor of New Mexico to conduct our whole party to Santa Fe. This order was executed. Auguste P. Chouteau, together with the whole party, consisting of twenty-one persons, accompanied the troop or guard, and, on their arrival at Santa Fe, were reviewed by the Governor, and immediately put into close confinement. At the time of the arrest of our persons within the limits of the United States, Mr. Chouteau, conscious, no doubt, that he had violated none of the Spanish regulations, took with him a part of his property to defray expenses; none of which he was permitted to retain, to exchange, or to make any use of. Not only that, but also the whole stock of the company, *cached* or concealed in the ground near our camp, east of the mountains, and on the headwaters of the Arkansas, was seized by the Spaniards under special order from the Governor, and taken to Santa Fe. We remained in prison (some of us in irons) forty-eight days, during which time we were dieted in a very coarse and meager manner, with boiled corn or beans, without salt.

When we speak of the review and confinement of the party, we mean the men generally; for Mr. Chouteau and the conductors of our trade preceded us, and arrived first at Santa Fe. We know not the particulars of their reception or treatment, except that, when they were liberated, (after forty-eight days,) their property was not restored to them.

Long previously to our arrest, Mr. Chouteau had equipped several parties for different parts of the upper country; all, as we constantly understood, within the acknowledged limits of the United States. Of the fate of these detached parties we know nothing. Our arrest and detention in the Spanish province interrupted that correspondence on which their success must, in a great degree, have depended. As well as we recollect, Mr. Chouteau's party, on leaving St. Louis, amounted to forty-six.

JEAN BAT. BRIZA, his x mark.
BAPTISTI FICIO, his x mark.
C. BOURGUIGNON, his x mark.
JOSEPH CISDELLE, his x mark.
ETIENNE PROVOT, his x mark.
FRANCOIS MAUANT, his x mark.
PIERRE LEGRIS, his x mark.
FRANCOIS PAKET, his x mark.
FRAN. DERPORT, his x mark.
ANTOINE BIZET, his x mark.
JOSEPH BISSONET, his x mark.

Sworn to, and delivered and signed before me, a justice of the peace in the county and township aforesaid, this 25th day of September 1817.

F. M. GUYOLO, J. P.

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William Clark, Governor of the Territory of Missouri, commander-in-chief of the militia, and superintendent of Indian affairs, to all whom it may concern:

Be it known, that F. M. Guyolo is, and was on the 25th September last, a justice of the peace within and for the county of St. Louis, Territory of Missouri, regularly commissioned. In testimony whereof, I have caused the seal of the Territory to be hereunto affixed.

Given under my hand, at St. Louis, the 22d day of November, A. D. 1817, and of the independence of the United States the forty-second.

WILLIAM CLARK.

By the Governor:

FREDERICK BATES,

Secretary of Missouri Territory.

TERRITORY OF MISSOURI,

County of St. Louis, ss:

Toussaint Charboneau, being of lawful age, and duly sworn, on his oath saith: That he did, some time in the month of July, in the year 1816, engage with Julius Demun, of the firm of Auguste P. Chouteau & Co. to go on a trading voyage in the rivers Arkansas and Platte, among the different nations of Indians residing on the said rivers and the waters thereof; that the said Auguste P. Chouteau & Co. agreed to pay him for said voyage the sum of two hundred dollars; that he staid with the said Auguste P. Chouteau & Co. from the said month of July, the time of their starting from this place, until July in this same year; and on his return to this town of St. Louis, did receive from the said Auguste P. Chouteau & Co. the sum agreed upon, to wit, the sum of two hundred dollars: and further saith not.

TOUS. CHARBONEAU, his x mark.

Sworn to and subscribed this 7th day of December, A. D. 1817, before me,

J. V. GARNIER, J. P.

Frederick Bates, Secretary, exercising the government of the Territory, of Missouri, to all whom it may concern:

Be it known that J. V. Garnier was on the 8th ultimo, and is, a justice of the peace in and for the county of St. Louis, in the Territory of Missouri, regularly commissioned. In testimony whereof, I have hereunto affixed the Territorial seal.

Given under my hand at St. Louis, the third day of January, A. D. 1818, and of the independence of the United States the forty-second.

FREDRICK BATES.

TERRITORY OF MISSOURI,

County of St. Louis, ss:

Michael Carriere, being of lawful age and duly sworn, on his oath, saith: That he did, on or about the beginning of September, in the year 1815, engage with Auguste P. Chouteau and Julius Demun, being then and there preparing for a trading voyage under the style, name and description of Auguste P. Chouteau & Co., to go and trade among the different tribes of Indians residing and hunting on the rivers Arkansas and

Platte, and the waters thereof; that he did, according to his contract with the said Auguste P. Chouteau & Co., go on his said voyage, and remained thus employed for the space of two years, for which he did receive from the said Auguste P. Chouteau & Co., as a compensation or wages, a sum of two hundred dollars, which was actually paid to him by his said employers: and this deponent further saith not.

MICHEL CARRIERE, his x mark.

Sworn to and subscribed this 22d day of December, A. D. 1817, before me,

J. V. GARNIER, J. P.

Frederick Bates, Secretary, exercising the government of the Territory, of Missouri, to all whom it may concern:

Be it known, that J. V. Garnier is, and was on the 27th ult., a justice of the peace within and for the county of St. Louis, Territory of Missouri, regularly commissioned. In testimony whereof, I have hereunto affixed the seal of the Territory.

Given under my hand, the 3d day of January, A. D. 1818, and of the independence of the United States the forty-second.

FREDERICK BATES.

St. Louis, Nov. 25, 1817.

SIR: Having to relate to your Excellency the unfortunate event which has thrown me, Mr. Auguste P. Chouteau, and twenty-four men, for forty-eight days, in the dungeons of Santa Fe, and which, by depriving us of everything we possessed, has brought us to the brink of ruin, I must beg your Excellency's indulgence if I take too much of your time. But I think myself bound to give a detailed account of what has happened; the more so, as your Excellency's right of granting us a license to go to the headwaters of Arkansas and Platte rivers was denied by the Governor of New Mexico, Don Pedro Maria de Allande.

In the month of September, 1815, Mr. A. P. Chouteau and myself fitted out an expedition to go to the headwaters of Arkansas river, to trade with the Aarapahos, and other Indians living thereabout; and, having obtained a license from your Excellency, we started from this place on the 10th of same month, in company with Mr. Philibert, a trader, who had gone to the mountains the year before, and who had come back to get a supply of goods to enable him to buy horses to bring in his furs.

It being late in the season, we had great difficulties to encounter; some of our horses giving out every day, we had to walk more than one-half of the way to the mountains, where we arrived on the 8th of December.

On our way we had bought of Mr. Philibert his furs, goods, horses, &c., and the time of his men. These we expected to find at the fork called by the Spaniards *El Haerfano*, and denominated on Pike's map the Third Fork, where Philibert had given them rendezvous; but in this we

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were disappointed. After our researches were over, we met some Indians, who told us that the men, not seeing Philibert return about the appointed time, and being destitute of everything necessary to support themselves, had gone over to the Spaniards. We had then no alternative. We determined that I should go in quest of them; and I started in the beginning of January, 1816.

I arrived at Taos, where I found the men, who had been received with the greatest hospitality, and allowed to pass the Winter there. I went on to Santa Fe, to explain to the Governor the reasons of my coming into the country. As soon as I alighted in the capital I was presented to the then Governor, Don Alberto Maynez, who at first expressed his surprise to see me; but no sooner had I told him the circumstances under which I came than he treated me very politely.

Don Alberto is an old gentleman of good information, who possesses, in a great degree, the good manners and politeness peculiar to his nation.

Having seen on my way to Santa Fe that the rivers abounded with beaver, I asked the Governor the permission of coming, with a fixed number of hunters, to catch beaver in the rivers which empty themselves into Rio del Norte. This he could not take upon himself to grant, but had the goodness to write on that subject to the commandant General. As I could not wait for the answer, Don Alberto told me to come back, when convenient, to know the General's answer. I must not omit to say that the Governor did not seem a moment to doubt that we had a right to frequent the east side of the mountains, and there to trade or catch beaver if we could; for he advised me not to go to the south of Red river of Natchitoches, but from that river to the northward we might trade and hunt as we pleased.

I returned to Taos, from whence I started, with all our engagées and two Spaniards the Governor had ordered to accompany us, to the Rio della Trinehéra; from thence, in three days, we reached Mr. Chouteau's camp at the mouth of the Third Fork. Finding ourselves with more men than we expected at our departure from St. Louis, and not having a necessary equipment, it was necessary for one of us to come back. I started on the 27th February with Philibert and one of our men, and did not reach this place but after forty-six days' journey, through barren prairies, which, at that season, did not afford any pastures for our horses, having sometimes to travel in the night to avoid the Panis' war parties we had the good fortune to discover in the day time. I bought the goods and engaged men for a new expedition, and, having taken another license, started on the 15th July to go by water to the Kansas river, where Mr. Chouteau and I appointed to meet. On his way from the mountains Mr. Chouteau was attacked by the Pawnees, about two hundred in number, had one man killed and three wounded; five Pawnees remained on the spot, and a great many wounded.

At the Kansas river we found ourselves forty-five. We shipped the furs to St. Louis, and

started again for the mountains. There we met a party of Spanish traders, who told us that the Yutas and Apaches Indians were hovering in this quarter; and as those Indians had already killed two of Philibert's men, our return would not have been safe had our party gone to any distance, so that we agreed that Chouteau should wait for me at the pass called by the Spaniards *La Sangre de Christo*, or thereabout. Myself and two men went in company with the Spanish traders to the *Rio de la Culebra*, where we left them, and continued our way to Taos. When I arrived at Rio Colorado (a small fork of Rio del Norte) I found that a new village had been established since my first passing there. I alighted at the house of the commandant of the place, who told me that I could not go further till he had given notice to the alcade of Taos, and received his orders. I waited patiently that night and next day. On the second night, at about 12 o'clock, arrived a party of forty men, commanded by Don Mariano Penne, with verbal orders that I must go back with him to my men, and that the Governor would not allow me to go to Santa Fe. I answered that I was ready and willing to follow him, but wished to write to his Excellency; to which he consented.

In my letter I explained the object of my coming—that it was by the orders and with the consent of his predecessor, and begged of him to permit me to go to Santa Fe, in order to know precisely what to depend on. This appeared to me the more necessary, as Don Mariano had not brought any written orders.

My letter being despatched, we started from Rio Colorado to go and rejoin our party. Mr. Chouteau was not at Sangre de Christo, but we traced him up the Rio del Norte, near where it enters into the mountains. Here Don Mariano, after spending one day with us, took leave. At his departure, he told us that we should remain there, or rather go lower down the river, to wait for the Governor's answer.

I do not know what caused the delay, but it was not until about twenty days after that I received a letter from the Governor, saying that the commandant General would not permit us any time to stay in the Spanish dominions, and to go out of them immediately. I wrote to the alcade of Taos that I had just received the Governor's orders, and, in compliance with them, we were recrossing the mountains; that, when on the east side of them, we should remain all Winter; that we gave this notice, having no bad intentions, nor any motives to conceal our movements. Receiving no answer, we took it for granted that, being on this side of the mountains, we gave the Spaniards no uneasiness. We had almost every week some traders from the upper villages, of whom we bought several horses, bread, flour, &c.

We had fixed on the 15th of March, 1817, for the day of our departure, to go in search of the Crow Indians, whom we knew to be somewhere about the headwaters of the Columbia; but as the Spanish traders, during the Winter, repeatedly

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told us that the Governor had written to the commandant General, in order to obtain permission to hunt on the rivers running west of the mountains, we did not think proper to abandon a subject so interesting to us. For that purpose I went to Taos in March; there I was told that there were very unfavorable reports. It was said that at the first fork of the Arkansas (Rio de las Animas) we had built a fort; that we had there twenty thousand men, with many cannons and ammunition, and other such idle tales; that a party of two hundred men had been raised to go and investigate the truth of all those absurd reports. The alcade having to write to the Governor, I wished him to say that I felt very satisfied to have come under such circumstances; that I proposed to remain as a hostage till the truth should be known; and that my life would answer for the good behaviour and pacific occupation of our party. Two days after, the two hundred men commanded by Lieutenant Don Francisco Salagar, of the militia, and Sergeant Manuel Vaca, of the regulars, arrived at Taos. They intimated their orders, which were to take me back to my party, visit all the places where we had encamped from the mountains to the Rio de las Animas, and to dig out all the goods we had put in the ground for security, having no use of them in the Winter. We started from Taos, and a few days after reached this side of the mountains, where we were soon joined by Mr. Chouteau, to whom we had sent an express. We took out of the ground all the goods and furs, &c., we had hidden in different places. This being done, Sergeant M. Vaca told us that the Governor had further ordered that the whole of our party must go to visit with them our former encampments, as low down as Rio de las Animas; that, if no fort was found, he would leave us there, to get to St. Louis as well as we could. To this we could not consent, for it would have carried us to an inevitable destruction, it being the time when the Pawnees were lurking for prey in all directions about Arkansas river; besides, we should have lost the benefit of our Spring trade. We proposed to the sergeant that I should go with him to the Rio de las Animas; that Mr. Chouteau would remain where we then were, with a party that he (the sergeant) would leave to guard him; and that at our return we would go away in a northern direction. Both commanders agreed to this proposition. I started with a party of fifty men to search the so-much-talked-of fort, which, it is needless to say, could not be found. Everything was in order, and a good understanding existed between our people and the Spaniards when we returned. Next day we parted, and were accompanied some distance by the lieutenant, sergeant, and a few men. Much delay having taken place by the coming of the Spaniards, it was now impossible for us to proceed to the headwaters of the Columbia by the route we had at first intended to go, which was by following the foot of the mountains, up the Rio del Almagre, and then turn to the west. Though we knew the road to be good, we could

not undertake it for want of time, therefore we resolved to enter the mountains on the north side of Arkansas river. We passed the first chain with great ease, but we were no sooner on the other side than we foresaw all the difficulties we had to encounter. We had before us a chain of snow-capped mountains much higher than the one we left behind. The cold was intense, and the recital of hardships would renew the sufferings we underwent. After three days of steady labor through the snow, in order to cut a route, we had the mortification to retrace our way back. Perceiving that nothing advantageous could be performed that season, it was agreed that seventeen men, with the most reduced horses, should go down the river Platte, and there wait for Chouteau, who was determined to remain one year longer. Both he and I, with the balance of our men, (except five Shawnee Indians, who had left us several days before,) came on this side of the first chain of mountains, to take the goods we had put into the ground at the entrance of the mountains, and myself to take the furs and return to St. Louis, which was fixed on the 23d of May.

In the night a very heavy rain commenced, which continued all day on the 23d, and prevented my starting. At about two o'clock P. M., one corporal and four soldiers came to us; they said that a large party was behind, and would come up to us next day. On the 24th Sergeant Mariano Vernal came up with his party, and informed us his orders were to take us all to Santa Fe. (Afterwards we were told he had instructions to take us alive or dead.) We secured again our goods in the earth, and were escorted to New Mexico. When on our way there, Sergeant Vernal, as it was reported, sent a detachment of his men back to steal our property, of which we never heard anything until three days previous to our leaving Santa Fe, while the Governor made a kind of an inventory of the same. When we got to the Rio de la Culebra, Chouteau, myself, and one of our hands, under an escort of ten men, took the advance, and on the 1st of June arrived at Santa Fe. I was first introduced to the Governor, who inquired, in a very angry manner, why I had not obeyed him, when ordered to go out of the Spanish dominions? I replied, his orders were obeyed as soon as received; that we were taken on the American territory, where our Governor had given us a license to go. At this he got into a violent rage, saying that we should pay for our own and our Governor's ignorance; using all the time very abusive language; repeating several times that he would have our brains blown up; that we were fortunate he had not come himself, for he would not have taken us alive.

Mr. Chouteau told me since, that he experienced the same treatment, and was likewise confined in a dungeon and in irons.

On the 7th of the same month, the Lieutenant, Don José Maria de Arce, came in to give the welcome intelligence that the Governor had ordered my irons should be taken off. After forty-

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four days' imprisonment, we were presented before a court martial, composed of six members and a president, who was the Governor himself. Only one of the six members appeared to have some information, the others not knowing even how to sign their names. Many questions were asked, but more particularly why we had staid so long in the Spanish dominions? I answered, that, being on the waters of the Arkansas river, we did not consider ourselves in the domains of Spain, as we had a license to go as far as the headwaters of said river. The president denied that our Government had a right to grant such a license, and entered into such a rage that it prevented his speaking, contenting himself with striking his fist several times on the table, saying, gentlemen, we must have this man shot. At such conduct of the president I did not think much of my life, for all the other members were terrified in his presence, and unwilling to resist him; on the contrary, do anything to please him. He (the president) talked much of a big river that was the boundary line between the two countries, but did not know its name. When mention was made of the Mississippi, he jumped up, saying, that that was the big river he meant; that Spain had never ceded the west side of it. It may be easy to judge of our feelings, to see our lives in the hands of such a man. That day the court did not come to any determination, because the president (as I heard himself say to Lieutenant de Arce) had forgot everything he had to say. Next day we were again presented to the court, but, as I knew then what kind of a man I had then to deal with, I never attempted to justify myself of his false assertions. We were dismissed, and Mr. Chouteau and myself put in the same room.

Half an hour afterwards, the lieutenant came in with a written sentence; we were forced to kneel down to hear the cuture of it, and forced likewise to kiss the unjust and iniquitous sentence that deprived harmless and inoffensive men of all they possessed—of the fruits of two years' labor and perils.

What appears the more extraordinary is, that the Governor acknowledged to me afterwards, and in the presence of Don Pedro Pino, the deputy of New Mexico to the Cortes, and several others, that we were very innocent men; yet, notwithstanding this, all our property was kept, and we permitted to come home, each with one of the worst horses we had.

I have already taken too much of your time in narrating our journey. Many incidents are probably unnecessary, but, by relating facts as they really are, I thought you would sympathize with our sufferings. Our actual loss amounts to \$30,380 74½. The benefits which we had a probable, indeed a most assured, confidence to reap from our labors, would no doubt have fully compensated us. It remains now to know whether our Government will demand satisfaction of the King of Spain for outrages committed by his ignorant Governor on American citizens. Our accounts have been forwarded to the honorable

J. Scott, our delegate, and we hope that your Excellency will assist our case with the zeal and generosity so congenial with your feelings of justice. I remain, &c.

JULIUS DEMUN.

His Exc'y WILLIAM CLARK,
Governor, &c.

HANSEATIC CITIES.—REPEAL OF DUTIES.

[Proclamation made August 1, 1818.]

By the President of the United States of America.

A PROCLAMATION.

Whereas, by an act of Congress of the United States, of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, were repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong; such repeal to take effect in favor of any foreign nation, whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished:

And whereas satisfactory proof has been received by me, from the burgomasters and senators of the free and Hanseatic city of Hamburg, that, from and after the 13th day of November, 1815, all discriminating or countervailing duties of the said city, so far as they operated to the disadvantage of the United States, have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Hamburg and vessels of the United States, and between goods imported into the United States in vessels of Hamburg and vessels of the United States, are repealed, so far as the same respect the produce or manufacture of the said free Hanseatic city of Hamburg.

Given under my hand, at the City of Washington, this first day of August, in the year of our Lord one thousand eight hundred and eighteen, and the forty-third year of the independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

Condition of South America.

CONDITION OF SOUTH AMERICA.

[Communicated to Congress, November 17 and December 15, 1818.—2d session 15th Congress.]

Mr. Rodney to the Secretary of State.

WASHINGTON, Nov. 5, 1818.

SIR: I have the honor to present the report herewith enclosed, agreeably to the desire of Mr. Graham, who, on reflection, preferred submitting some additional remarks in a separate paper. For this purpose, two of the documents referred to in the report remain in his possession—Dr. Funes's Outline of Events in the United Provinces since the Revolution, and the Manifesto of Independence by the Congress at Tucuman.

I have the honor to be, with great respect, your most obedient servant,

C. A. RODNEY.

HON. JOHN Q. ADAMS, *Sec'y of State.*

Mr. Rodney to the Secretary of State.

SIR: I have now the honor to submit to your consideration my report on the subject of the late mission to South America, embracing the information derived from the various sources within my power, so far as I had an opportunity of improving the advantages possessed.

With the history of the conquest of the Spanish possessions in America you must be familiar. They were principally, if not exclusively, achieved by private adventurers. When completed, a most oppressive system of government, or rather despotism, was established by the parent country.

These extensive regions were originally swayed by two Viceroys. The dominions of Spain in North America were under the government of the Viceroy of Mexico, and all her possessions in South America were subject to the control of the Viceroy of Peru.

The remoteness of some parts of the country from the residence of the Viceroy of Lima occasioned, in 1718, the establishment of another Viceroyalty at Santa Fe de Bogota, in the kingdom of New Granada. In 1731 New Granada was divided, and a number of the provinces composing that kingdom were separated from it. These were put under the jurisdiction of a captain general and president, whose seat of government was at Caraccas.

In 1568 Chili was erected into a separate captain generalship; in 1778 a new Viceroyalty was established at Buenos Ayres, comprehending all the Spanish possessions to the east of the Western Cordilleras, and to the south of the river Maranon.

This immense empire seems, according to the laws of the Indies, to have been considered a distinct kingdom of itself, though united to Spain and annexed to the crown of Castile. In this light it is viewed by Baron Humboldt, in his Essay on New Spain.

With some slight shades of difference in the regulations established in these Governments, the prominent features of their political institutions

exhibit a striking resemblance, as the general system was the same.

Their commerce was confined to the parent country and to Spanish vessels exclusively. They were prohibited, under the penalty of death, to trade with foreigners. The natives of Old Spain composed the body of their merchants. Though this part of the system had, previously to the revolution, been relaxed, in some degree, (particularly by the statute of free commerce, as it is styled,) the relief was partial, and the restrictions continued severe and oppressive.

All access to the Spanish settlements was closed to foreigners, and even the inhabitants of the different provinces were prohibited from intercourse with one another, unless under the strictest regulations.

The various manufactures that might interfere with those of Spain were not permitted. They were prevented, under severe penalties, from raising flax, hemp, or saffron. In climates most congenial to them, the culture of the grape and the olive was prohibited. On account of the distance of Peru and Chili, and the difficulty of transporting oil and wine to these remote regions, they were permitted to plant vines and olives, but were prohibited the culture of tobacco. At Buenos Ayres, by special indulgence of the Viceroy, they were allowed to cultivate grapes and olives merely for the use of the table.

They were compelled to procure from the mother country articles of the first necessity, and were thus rendered dependent on her for the conveniences of life as well as luxuries. The Crown possessed the monopoly of tobacco, salt, and gunpowder.

To these oppressive regulations and restrictions was added an odious system of taxation. From the Indians was exacted a tribute in the shape of a poll tax, or a certain servitude in the mines called the *mita*. A tenth part of the produce of cultivated lands was taken under the denomination of *tithes*. The alcavala, a tax varying from two and a half to five per cent. on every sale and resale of all things moveable and immoveable, was rigidly exacted, though in some cases a commutation was allowed. Royal and municipal duties were laid on imports and on the tonnage, entrance, and clearance of vessels, under the different appellations of *almoxarifazgo*, sea, *alcavala*, *cerco*, *consulado*, *armada*, and *armadilla*. To these may be added the royal fifths of the precious metals, the most important tax in the mining districts. Besides all these, there were stamp taxes, tavern licenses, and sums paid for the sale of offices, of titles of nobility, papal bulls, the composition and confirmation of lands, with a number of others of inferior grade.

Under the Spanish monarchs, who had early obtained from the Pope the ecclesiastical dominion, and thus had united in their royal persons all civil and religious authority, a most oppressive hierarchy was established, with its numerous train of offices and orders, succeeded by the inquisition.

The posts of honor and profit, from the highest

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to the lowest, were filled almost exclusively by natives of Old Spain.

The principal code of laws thus maintaining the supremacy of Spain over those distant regions, almost locked up from the rest of the world, emanated from the Council of the Indies, established by the King, in which he was supposed to be always present. The royal rescripts, the recopilaciones of the Indies, and the *partidas*, furnished the general rules of decision; and, when these were silent or doubtful recourse was had to the opinions of professional men.

This system was generally executed by the viceroys, captains general, and by the tribunals of justice, with a spirit corresponding with the rigorous policy that produced it. To this form of government the country had for centuries submitted with implicit obedience, and probably would have continued to submit much longer, but for events in this country and the changes in Europe. The sagacious minds of many able writers, penetrating into the future, had predicted at some distant date a revolution in South America before that in North America had commenced. From the period of the successful termination of our own struggle for independence, that of the inhabitants of the south has been with more confidence foretold; and there is reason to believe it has been hastened by this fortunate event. The conduct of Spain, during the war of our Revolution, was calculated to make a lasting impression on her colonies. The result was then foreseen by intelligent politicians; many were surprised that she could be so blind to her own interests after she had, on one occasion, manifested the strongest suspicion of Paraguay; for, to her scrupulous jealousy of this Power the expulsion of the Jesuits from that country in 1750 is to be attributed.

The wars that arose from the French revolution have produced in Europe changes of the greatest magnitude, which have had an immense influence on the affairs of South America. When Spain joined France against the combined princes, she exposed her distant possessions to British hostilities. The great naval power of England gave her ready access to the American colonies. Engaged in an arduous contest, she was prompted by her feelings and interests to retaliate on Spain the conduct she experienced from her during the war of our independence. Encouraged, perhaps, by the councils of her enemies, the first symptoms of insurrection in the continental possessions of Spain were exhibited in the year 1797, in Venezuela. These were succeeded by the attempts of Miranda in the same quarter, which were accompanied, or were followed, since the vacillating state of the Spanish monarchy, by revolutionary movements in Mexico, Granada, Peru, Chili, and Buenos Ayres; and from which scarcely any part of the Spanish dominions in America has been entirely exempt.

The occurrences that led the way to the subsequent important events in the provinces of La Plata were, the invasion of the British under Popham and Beresford in the year 1806, and

their expulsion a few months afterwards by the collected forces of the country under Leniers and Pueyrredon. These incidents fortunately gave to the people a just idea of their own strength; and they afterwards repelled, with a firmness and bravery that did them great honor, the formidable attack of the British under General Whitlocke.

The wretched state to which Spain was reduced by the policy, the power, and the arts of Napoleon, the resignation of Charles the Fourth in favor of Ferdinand the Seventh, and the renunciation by both in favor of Napoleon, were productive of the most important results. They threw the kingdom into the greatest confusion. The alternate success and disasters of the French armies produced a new era in Spain. The people, generally, revolted at the idea of being governed by the brother of Napoleon, to whom he had transferred the crown. *Juntas* were established, who acted in the name of Ferdinand, then confined in France. These were substituted for the ancient Cortes and the regular council of the nation, to which, in times of imminent danger, they ought to have recurred, agreeably to their usages. Conflicting authorities produced a distracted state of affairs. In the scenes that ensued the proper attention was not paid to the American provinces. Their conduct towards them was versatile and inconsistent; they were lost sight of or neglected until it was too late. Conceiving they were abandoned by the parent State, they thought it justifiable to act for themselves. It was not very long before the inhabitants of Buenos Ayres, embracing the example of their brethren in Spain, established a Junta, which assumed the reins of government, and finally, in the year 1810, sent off the Viceroy Cisneros and his principal adherents. For a summary of events subsequent to this period, until the time of my departure, I beg leave to refer to the "Outline" subjoined, (Appendix A,) from the pen of Dr. Funes, drawn up, in part, at my request. Without vouching for the perfect accuracy of the work, I think, from the information received, it will probably be found to contain, in general, a correct and impartial sketch of the prominent transactions and occurrences.

In perusing this interesting document, I have to lament that its pages are marked with some cases of severity and cruelty, which seem almost inseparable from great revolutions. It must, however, be consoling to observe, that they appear to have passed through that state which might possibly have rendered examples necessary, and to have arrived, perhaps, at that stage when, the passions becoming less turbulent and the people more enlightened, a milder system may be expected to prevail.

Their dissensions have produced most of their calamities—in such seasons they were naturally to be expected. But their disputes have been principally healed by the prudent and energetic measures of the Congress which commenced its sittings in Tucuman in the year 1815, and adjourned in the year following from thence to

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Buenos Ayres, where it remains in session, occupied with the task of forming a permanent constitution. This respectable body, besides acting as a convention or a constituent assembly, exercises temporarily legislative powers. Their sittings are public, with a gallery of audience for citizens and strangers. The debates are frequently interesting, and are conducted with ability and decorum; they are published every month for the information of the people.

The dispute with Artigas, the chief of the Orientals, has not been adjusted. This, with a certain jealousy of the superior influence of the city of Buenos Ayres on the general affairs of the provinces, the conduct of the Government of Buenos Ayres towards the Portuguese, and the high tariff of duties which, I understand, have been since reduced, appeared to constitute the principal causes of dissatisfaction at the time of my departure.

The declaration by Congress of that independence which they had for many years previously maintained in fact, was a measure of the highest importance, and has been productive of a unanimity and a decision before unknown. This summit of their wishes was only to be reached by slow and gradual progress. The public mind had to be illumined on the subject by their pulpits, their presses, and their public orations. The people were to be prepared for the event; when the season arrived, they cut the knot which could not be untied. The declaration of independence was adopted in the directorship of Mr. Pueyrredon, on the 9th day of July, 1816. It was succeeded by an able exposition of the causes that extorted it, to justify to their fellow-citizens and to the world the measure they had deliberately voted to support with their fortunes and their lives.

Believing the latter paper might be thought worthy of perusal, a translation has been annexed, (Appendix B.)

The salutary influence of this bold and decisive step was at once felt throughout the country. It gave new life and strength to the patriotic cause, and stability to the Government. The victories of Chacabuco and Maipu, achieved by the arms of Chili and Buenos Ayres, have produced and confirmed a similar declaration of independence by the people of Chili, which is also annexed, (Appendix C,*) and cemented the cordial union existing between the confederate States. The consequence has been that, within these extensive territories, there is scarcely the vestige of a royal army to be found, except on the borders of Peru.

Having thus, in connexion with the succinct account given by Dr. Funes, traced the principal events since the revolution in Buenos Ayres, I shall proceed to state the result of the information received, according to the best opinion I could form, of the extent, population, government, and resources of the United Provinces, with their

productions, imports and exports, trade and commerce.

The late Viceroyalty of Buenos Ayres, of which that city was the metropolis, was by many considered the largest as well as the most valuable of all the Spanish dominions of South America, extending, in a direct line, from its north to its south boundary, a distance of more than two thousand miles, and, from its eastern to its western, not less than eleven hundred.

It was composed, at the commencement of the Revolution, of the nine provinces or intendencias following: Buenos Ayres, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz, and Puno.

Watered by the great river La Plata, and its numerous tributary streams, which afford an easy communication with countries of immense extent, and furnishing an easy access to the treasures of South America, it has always been regarded by Spain as one of her most precious acquisitions. Enjoying every variety of climate to be found between different and distant latitudes, and blessed with a large portion of fertile soil, it is capable of producing all that is to be found in the temperate or torrid zones. Immense herds of cattle and horses graze on its extensive plains, and constitute, at this time, their principal source of wealth. The mines of Potosi are also included within its boundaries. There are no woods for a very considerable distance from Buenos Ayres. No forest trees are to be seen on the widely-extended pampas, except at intervals a solitary umboo. After passing the Saladillo, in a northerly direction, the woods begin; and, proceeding in the upper provinces, the hills appear, and mountains rise in succession, interspersed with rich valleys. On the east side of the rivers La Plata and Parana, the country is said to be very fine. The Entre Rios is represented as capable of being made a garden spot; and the Banda Oriental presents hills and dales, rich bottoms, fine streams of water, and, at a distance from the great river, on the banks of the smaller streams, some excellent woodland. Between Maldonado and Montevideo, the east ridge of the Cordilleras terminates on the river La Plata.

Since the Revolution five more provinces have been erected, making, in all, fourteen within the limits of the ancient Viceroyalty, viz: Tucuman, taken from Salta; Mendoza, or Cuyo, taken from Cordova; Corrientes; Entre Rios, comprising the country between the Uruguay and the Parana; and the Banda Oriental, or eastern shore of the river La Plata. The two last were taken from the province of Buenos Ayres, which was thus reduced to the territory on the south side of that river. The subordinate divisions of the country, with the principal towns, will be found in the appendix to this report, with an account of the produce or manufactures of the different districts. (Appendix D.)

Of the fourteen provinces into which the ancient Viceroyalty is now divided, five were, at my departure, principally occupied by the royal forces, (which, in consequence of the victory of

* Not transmitted.

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Maipu, were expected soon to retreat to Lower Peru,) or partially under their influence, viz., Potosi, La Plata, Cochabamba, La Paz, and Puno; and the nine following, independent *de facto* of Spain, were in the possession of the patriots, viz., Buenos Ayres, Paraguay, Mendoza, Salta, Corrientes, Cordova, Tucuman, Entre Rios, and Banda Oriental. But Paraguay and the city of Santa Fe, act independently of Buenos Ayres—though Paraguay is not on unfriendly terms with them, and it is hoped by some will before long join the union. Entre Rios and the Banda Oriental, under General Artigas, in the character of Chief of the Orientals, are in a state of hostility with Buenos Ayres.

Montevideo, the capital of the eastern shore, was occupied by a Portuguese army, and a squadron of ships of war of Brazil blockaded the ports of Colonia and Maldonado, and prohibited the entrance of neutral vessels, unless they paid them the same duties on their cargoes that were charged on the importation of the goods when landed in the country.

The territory of the United Provinces is computed to contain one hundred and fifty thousand square leagues, though it probably exceeds that quantity. The lands occupied in the country, remote from the cities, are generally converted by their owners into estancias, or large grazing farms for cattle, and chacras for growing grain. The small farms, or quintas, in the neighborhood of cities, are in fine order. Those around Buenos Ayres, which furnish their market with an ample supply of fruit and vegetables, are, by irrigation, in the highest state of culture.

The population, exclusive of the Indians, is now calculated at about one million three hundred thousand; but adding the civilized Indians only, who are of great importance, it would, in all, probably exceed two millions.

The whole population consists of natives of Old Spain, and their descendants born in the country, or, as they style themselves, South Americans; of Indians civilized, or unreclaimed, with different "castes," or mixed blood; of Africans, and their descendants, or negroes and mulattoes.

I could not ascertain, with satisfaction, the population of the different provinces; the province of Buenos Ayres contains about one hundred and twenty thousand, whilst the population of Entre Rios and Banda Oriental is computed at fifty thousand.

The city of Buenos Ayres contains a population of sixty thousand. The inhabitants of this place appear to be an amiable and interesting people. They are considered brave and humane; possessing intelligence, capable of great exertions and perseverance, and manifesting a cheerful devotion to the cause of freedom and independence.

There is also a certain mediocrity and equality of fortune prevailing among them, extremely favorable to a union of the popular sentiment in support of the common weal. Many industrious mechanics and enterprising merchants are, how-

ever, increasing their estates, and adding to the stock of capital in the country.

The people of the province of Buenos Ayres, residing out of the city, are, generally speaking, poor, and rather indolent, though a hardy race; and, when excited to action, they become zealous defenders of the liberties of their country. They are capable of great improvement, and under the influence of a good example, when a change takes place in their habits and manner of living, they bid fair to become useful and industrious citizens.

The inhabitants of Cordova are said to be more superstitious and more industrious, but less patriotic. This is principally attributed to the loss of the trade with Peru, occasioned by the revolutionary war.

Tucuman, I was informed, possessed an excellent population.

The people of Mendoza, or Cuyo, are moral, industrious, and patriotic. They have sacrificed largely at the shrine of independence, supporting with zeal and confidence the cause of their country; whilst the citizens of Santa Fe are represented as immoral and insubordinate, and manifesting on most occasions an extreme jealousy of their neighbors.

The population of Entre Rios and Banda Oriental is, perhaps, not inferior in valor to that of Buenos Ayres; nor is it deficient in military skill, particularly in carrying on a partisan warfare, for which its troops are admirably adapted. Their other good qualities have been probably somewhat impaired by the system pursued in that quarter, where they have been compelled to give up everything like civil avocations, and to continue without any regular kind of government, under the absolute control of a chief, who, whatever may be his political principles or professions, in practice concentrates all power, legislative, judicial, and executive, in himself.

The General Congress of the United Provinces assembled at Buenos Ayres, on the 3d of December, of 1817, established, by a provisional statute, a temporary form of Government, which will be found in appendix marked E.

This Congress is composed of deputies from the different provinces. It actually consists of twenty-six members; but, as a representative is allowed for every fifteen thousand citizens, it would be more numerous if all the provinces had sent delegates in that ratio of population.

With some exceptions, and particularly of that palladium of our rights which is unknown to the civil law, the trial by jury, the provisional government will be found, on an attentive perusal, to contain a distinct recognition of many of the vital principles of free government. A church establishment, also, that of the Catholic faith, is contrary to our ideas of religious freedom, though a measure adopted from necessity, perhaps, by them.

It declares that all power—legislative, judicial, and executive—resides in the nation. The Congress are to be chosen by electors, who are to be voted for by the people in the primary assemblies. The Cabildos, or municipalities, are to be elected

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immediately by the citizens. It recognises the independence of the judiciary, and declares the tenure of office, with respect to the superior judges, to be during good behaviour. It provides for the election of a Chief Magistrate by Congress, removable when they choose to appoint a successor, and responsible for the execution of the duties of his office, which are defined and limited. In the oath of office, he is sworn to preserve the integrity and independence of the country.

The three great Departments—of State, of the Treasury, and of War—are distinctly marked out, and their respective powers and duties assigned.

On some subjects it enters more into detail than is usual with us, particularly in those of their army, navy, and militia; but this, perhaps, in their situation, was necessary.

It provides that no citizen shall accept a title of nobility, without forfeiting the character of citizenship.

It provides also against general warrants, and the arrest of individuals, unless on probable proof of guilt.

It contains a salutary provision that a judge, having original jurisdiction, before taking cognizance of a cause, shall use all possible means of reconciling the parties. This constitution is but temporary. The Congress are engaged in the task of forming a permanent one. In the meantime no alteration can be made in the present, unless with the consent of two-thirds of the members. In this manner some alterations have been adopted.

The subject of a permanent constitution was before a committee of sixteen members of Congress. There was a difference of opinion prevailing among them on the point of a confederated or a consolidated Government. If they should adopt the former, they will frame the constitution, in all probability, nearly after the model of that of the United States. Should they decide on the latter, it is highly probable they will incorporate the leading features of our system into their form of Government. They seem to concur in the proposition to have a Chief Magistrate elected for a term of years, and a Representative Legislature, to consist of two branches—a Senate, to constitute the most permanent body, and a House of Representatives, whose term of service will be of shorter duration.

Perhaps it would be better for them to delay the completion of this all-important task, after the example of the United States, until a period of peace. Their present provisional statute is an improvement on those which preceded it; and we may expect their proposed constitution will be still more perfect as they advance in the knowledge of those principles on which republican Governments are constituted.

But, however free in theory this provisional statute may be, it is undoubtedly true that, unless administered agreeably to its letter and spirit, it will not afford security to the citizen. Whether any infractions have occurred since the date of its existence I cannot pretend to determine, not being in full possession of the facts.

When we recollect that they have the benefit of our example, it may reasonably be expected that they will, in general, adhere to their written constitution. They have also the fatal result of the French Revolution, warning them of the dangers of its excesses, of which they appear to be sensible.

The productions and the manufactures of the different provinces will be found in appendix D; but I was unable to procure any satisfactory estimates of the probable value or amount in each province. There is, however, a considerable internal trade carried on, in the interchange of various articles between the several provinces; cattle, horses, and mules, furnish a considerable source of barter; with the latter, Peru is usually supplied; the Paraguay tea is a great article of trade throughout the country; the brandy, wine, raisins, and figs of Mendoza and San Juan, are becoming important; the hides of oxen, the skins of the vaccina and granaco, with a number of fine furs, afford valuable articles of exchange. These, with the foreign goods transported in every direction from Buenos Ayres very readily by oxen and mules, which also furnish the means of carrying their native productions to their seaports, form a branch of trade of great magnitude, considering the population of the country.

Their exports are calculated, with some degree of accuracy, at ten millions of dollars. These consist principally of ox hides, jerk beef, and tallow, the present great staples of the country; a variety of furs and peltry, some grain, copper, mostly brought from Chili, with gold and silver in bullion, and in coin, chiefly from the mines of Potosi.

The imports are computed to be about equal to their exports; British manufactures form the principal mass, and they are to be had in great abundance. They consist of woollen and cotton goods of every description, some of them wrought to imitate the manufactures of the country; ironmongery, cutlery, hardware, saddlery, hats, porter, ale, and cheese, are among the remaining articles.

From the United States they receive lumber of all kinds, and furniture of every description, coaches and carriages of all sorts, codfish, mackerel, shad, and herring, leather, boots and shoes, powder, and munitions of war and naval stores, ships and vessels, particularly those calculated for their navy or for privateers.

From Brazil they receive sugar, coffee, cotton, and rum.

From the north of Europe they receive steel and iron, and from France a number of articles of its manufacture.

Their foreign commerce is principally carried on by British capitalists, though there are some Americans, a few French, and other foreign merchants, also settled at Buenos Ayres; they are all placed, I believe, on the same footing of equality.

The revenue of the State may be estimated at about three millions of dollars annually; but their system of finance is very imperfect, and, although

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their debt is small, their credit is low. They have hitherto avoided the issuing of paper money, and they have established no bank; but they have sometimes anticipated their revenue, by giving due bills receivable in payment for duties on goods imported or articles exported. The impost furnishes the principal part of the revenue. A copy of their tariff, as at first established, was some time since transmitted, I believe, to the Department of State; in this the duties were generally specific and high. I understand they have been lately reduced, as their exorbitancy had occasioned much smuggling.

Voluntary contributions from those friendly to the Revolution, and forced loans from the Old Spaniards, have constituted another portion of their funds. To show the public capital adequate to all exigencies, their different civil, military, and naval establishments have been taken into view, and are comprised in the estimate furnished—a thing unusual with us; but they have omitted their public lands, which, if a prudent use be made of them, must at no distant day become a very productive source of revenue to the State.

The mines of Potosi, which in all probability will very soon fall into their hands again, may furnish them with a considerable supply of the precious metals. It is stated, on respectable authority, that, so late as the year 1790, the amount of gold and silver coined at Potosi in that year was calculated to have been \$299,846 in gold, and \$2,983,176 in silver.

The state of their army, and the condition of their navy, will be seen by a reference to the original return presented. (Appendix F.*)

Their army is composed of regular troops, ciorgos, and militia; in one or other of these classes, they are educated to the military art, and, as far as I had an opportunity and was capable of judging, they appeared to be well acquainted with the elements of their profession. Their forces, according to the paper furnished, are estimated at nearly thirty thousand men. They are composed of 1,296 artillery, 13,693 infantry, and 14,768 cavalry, of which 12,143 are troops of the line, 7,041 are ciorgos, and 10,573 militia. These form the different armies of the centre of Peru, of the Andes, of Cordova, and the auxiliary forces in the Entre Rios. This statement, however, only includes the militia of the province of Buenos Ayres itself. Their supply of arms and munitions of war is ample, as will be seen by the statement annexed on that subject.

Their navy is small, and some of their vessels are laid up in ordinary. A list of them, as well as of their privateers, will be found in Appendix F.* Their private; armed vessels are subjected to very strict regulations, agreeably to their prize code, which is among the original papers presented and herewith delivered. It may be proper in this place to introduce the subject of the irregular conduct of the privateers under the patriot

flag, against which the Commissioners were directed to remonstrate. Having taken an opportunity of explaining to Mr. Tagle, the Secretary of State, the proceedings of our Government relative to Amelia Island and Galveston, agreeably to their instructions, the Commissioners embraced a suitable occasion to urge the just cause of complaint which the malpractices of private armed vessels, wearing the patriot colors, had furnished our Government; on both topics they had long and interesting conversations. With the conduct of the Government respecting Amelia Island and Galveston, Mr. Tagle expressed himself perfectly satisfied, and he disclaimed for his Government any privity or participation in the lodgments made at those places, by persons acting in the name of the patriots of South America. In reference to the acts of cruisers under the patriot flags, he said he was sensible that great irregularities had occurred, though his Government had done everything in their power to prevent them, and were willing, if any instance of aggression were pointed out, to direct an inquiry into the case, and, if the facts were established, to punish those concerned, and redress the injured individuals. He professed his readiness to adopt any measures that would more effectually prevent a recurrence of such acts, in which he expressed his belief that the privateers of Buenos Ayres had rarely participated, though the character of the Government had suffered from the conduct of others. He stated that they had, on one occasion, sent out some of their public vessels to examine all cruisers wearing the Buenos Ayrean flag, to see that they were lawfully commissioned, and to ascertain whether they had violated their instructions.

Among the causes of dissatisfaction to which I have alluded, the preponderance of the capital has been mentioned. Its great weight in the scale of national affairs is to be ascribed to its greater exertions in the national cause. These are owing to its comparative wealth, and to its active, intelligent, and enterprising population. The armies that have been raised in this city and the neighboring country, with the supplies in money and munitions of war drawn from these sources, have been truly extraordinary.

It would be a difficult task to make an exact calculation, or to form even a probable estimate, but all seemed to concede the superior merit claimed on account of their exertions, when compared with their wealth and population; and it is not unlikely that Buenos Ayres has, in consequence, assumed a higher tone, and acquired a controlling influence, which she has sometimes abused.

Another source of discontent is, the unfortunate dispute between the Banda Oriental and Buenos Ayres, which had also an influence on the proceedings of the latter towards the Portuguese.

The original cause of division may be traced to a jealousy long subsisting between the rival cities at Montevideo and Buenos Ayres. This has become habitual, and has extended to the

* The document referred to is not sent.

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country. Private interests and personal views have also increased their dissensions.

General Artigas (who bears the character of chief of the Orientals, as has been already stated, and has also assumed that of the Protector of the Entre Rios and Santa Fe) was originally, in the royal service, a captain in a provincial corps. In this he continued for some time after the revolution had commenced at Buenos Ayres. But, in the year 1811, taking offence, as it is said, at some conduct of the Spanish commandant of Colonia, he abandoned the royal cause, and entered into the service of the patriots. So early as the year 1813, when acting against Montevideo, he became dissatisfied with Saratea, the Commander-in-Chief from Buenos Ayres. On his removal from the head of the army, he quarrelled with General Rondeau, who it was supposed would have been acceptable to him, and finally withdrew, before the siege of Montevideo was finished under General Alvear. For this conduct, Posadas, when he succeeded to the Government, treated him as a deserter from their service. By a proclamation, he offered a reward for his apprehension, and set a price upon his head—an act which General Artigas never forgot or forgave.

During the subsequent directorship of Alvear, he induced the Cabildo of Buenos Ayres to issue a similar proclamation against General Artigas. When Alvear was dismissed, the people of Buenos Ayres endeavored to atone for their conduct by burning, with every mark of ignominy, the degrading proclamation. They also addressed a conciliatory letter to the General, and received from him a corresponding answer. These were preliminary to a fruitless attempt at reconciliation, made by the director *ad interim*, Colonel Alvarez, who succeeded Alvear. The correspondence on this occasion is annexed. (Appendix H.) Other endeavors to reconcile him have failed, notwithstanding the changes in the office of Director at Buenos Ayres. On one occasion, the proposition was made that the Banda Oriental should remain independent of Buenos Ayres, and merely send deputies to the General Congress to concert measures against the common enemy. On another, when the Portuguese army was approaching the frontiers of the Banda Oriental, an effort was made by Pueyrredon to reconcile him, and to unite him in the common defence. Ample supplies of arms and munitions of war were offered, and some furnished; but this attempt also failed.

In order that a fuller view of this subject may be had, I have subjoined a translated copy of an animated letter from General Artigas to Mr. Pueyrredon. (Appendix I.) It is but justice to add, that General Artigas is thought, by persons entitled to credit, to be a firm friend to the independence of the country. To express a decided opinion on this delicate question would scarcely be expected of me, as my position did not command a view of the whole ground. I had not the satisfaction to be derived from a personal interview with General Artigas, who is unquestion-

ably a man of rare and singular talents. But, if I were to hazard a conjecture, I think it not improbable that in this, as in most family disputes, there have been faults on both sides. It is to be lamented that they are in open hostility. The war has been prosecuted with great animosity, and in two late engagements the troops of Buenos Ayres have been defeated with great loss. By some, it was said that the inhabitants of the eastern shore were anxious that a reconciliation should take place, whilst the people in the country preferred their present state.

I must not omit to take a glance at the situation of Paraguay. This province presents a singular spectacle. It stands aloof from the rest. The people, with the aid of the few remaining royal troops, repulsed an army sent to compel them to join the common standard. Very soon afterwards they expelled the royalists, and set up for themselves. Since this period, they appear to have adopted a partial non-intercourse system. But Buenos Ayres, on one occasion, succeeded in obtaining an understanding with them. Some suspect that they are secretly inimical to the existing order of things, and wish to keep themselves within their shell in case of a change, that they may profit by future events; others calculate, with some confidence, on their ultimate union with Buenos Ayres, with which, at present, they indulge a limited and reluctant intercourse. Paraguay is under the immediate control of a person named Francia, who styles himself Dictator of Paraguay.

From the domestic concerns of the provinces we naturally turn to their foreign relations. On this subject the Commissioners were informed that they had nothing more than a friendly understanding with any foreign nation. With the Portuguese Government they concluded an arrangement in 1812, under the mediation, it is said, of the British, with respect to the Banda Oriental. They have since had a correspondence with them on the subject of their entrance into that province, and the forcible occupation by a Portuguese army of the city of Montevideo, of which a copy is annexed. (Appendix I.) This will present the state of affairs between Buenos Ayres and the Brazils, which has been the theme of much discussion. The superior naval force of the Portuguese stationed in the river La Plata could have effectually blockaded all the ports of Buenos Ayres. By this means they would have prevented supplies of arms and munitions of war, and entirely destroyed the great source of revenue to the State, the duties on imports and tonnage, at a season when money was much wanted: for, about this period, Buenos Ayres had a powerful army to contend with on the side of Peru, and had taken the burden of the renewed contest of Chili with Spain. Under such circumstances, they were in some measure obliged to adopt a cautious and moderate policy. Their unhappy state with the Orientals had also an influence on their measures; they alleged that the restless conduct of Artigas has furnished the Portuguese with a pretext for the invasion; but

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it is probable that they will ultimately break with the Government of Brazil.

The British Government have, through their official agents, entered into commercial stipulations with General Artigas, as the chief of the Orientals, on the subject of their trade with the eastern shore. A copy of this instrument will be found in Appendix K.*

The Government of Buenos Ayres have a confidential person in Europe, soliciting, from England and other Powers, it is said, assistance of every kind, and a recognition of their independence. England has a Consul, who, with her naval commander on that station, appeared to conduct the confidential affairs of the British Cabinet with the Government of Buenos Ayres.

What effects the victory of Maipu will produce abroad, it would be hazardous in me to conjecture. Whether, like the capture of Burgoyne, it will procure for the United Provinces foreign alliances, I cannot pretend to say.

From a source which is entitled to credit, I was informed that the raising and embarkation of Osorio's army in Peru was not accomplished without serious difficulties. Alternate force and persuasion were used to collect them; and nothing but the name, character, and promises, of their General, could have induced them to go on board of the vessels prepared for the purpose at the port of Callao. Some of them were actually in a state of mutiny, notwithstanding they were told they would be received with open arms by their brethren in Chili.

The forces finally embarked, agreeably to an account furnished by a gentleman of undoubted veracity on the spot, consisted of the following troops:

| | | | | |
|-----------------------------------|---|---|---|-------|
| One company of artillery | - | - | - | 70 |
| One company of sappers and miners | - | - | - | 81 |
| Regiment of Brugos | - | - | - | 900 |
| Regiment of San Carlos, infantry | - | - | - | 907 |
| Regiment of Arequipa | - | - | - | 1,000 |
| Arequipa dragoons | - | - | - | 160 |
| Limas | - | - | - | 144 |

3,262

This army was composed of all the regular soldiers they could spare from Lima, who were united at Talcaguna to the royal forces left in Chili. By the battle of Maipu it has ceased to exist. The probable effects in Peru, and other parts of South America, may be conjectured, but cannot be affirmed. The same gentleman who has been mentioned, and who is conversant in Peruvian affairs, apprehended that important changes would result.

I cannot conclude this paper without drawing your attention to a rapid survey of the reforms and improvements in the province of Buenos Ayres, produced by the revolution, and its influence on knowledge, society, and manners.

The effects of the revolution are visible in the

changes produced in the state of society. The difference in the freedom of acting and thinking which preceded the revolution must necessarily be great. The freedom of commerce must have given a spring to exertions of native enterprise and intelligence; while the active scenes of war and politics, for the last ten years, have awakened the genius of the country which had so long slumbered. The generation now on the stage may almost be said to have been reared under a new order of things. The common stock of ideas among the people had been greatly augmented, the natural consequence of the important political events which daily transpire, and in which every man, like the citizen of Athens, feels an interest. The newspapers are everywhere circulated, together with the manifestoes of the Government, which is obliged to court the approbation of public opinion on all measures of moment. It is not very unusual for the same countryman, who, a few years ago, never troubled himself about anything beyond the narrow circle of his domestic concerns, to purchase a newspaper on coming to town, as a matter of course, and, if unable to read, to request the first one he meets to do him that favor. The country curates are, moreover, enjoined to read the newspapers and manifestoes regularly to their flocks. The spirit of improvement may be seen in everything. Even some of those who are under the influence of strong prejudices against the revolution frequently remark the changes for better which have taken place. Their habits, manners, dress, and mode of living, have been improved by intercourse with strangers, and the free introduction of foreign customs, particularly English, American, and French. Great prejudices prevail against whatever is Spanish. It is even offensive to them to be called by this name; they prefer to be identified with the aborigines of the country. The appellation which they have assumed, and in which they take a pride, is that of South Americans.

A powerful stimulus must necessarily have been given to their industry by two important circumstances—the diminution in prices of foreign merchandise, and the great increase in value of the products of the country, with the consequent rise of property. Though the grounds in the neighborhood of cities are highly improved, as I have already stated, agriculture, comparatively speaking, is in a low condition. In general, the lands are badly tilled; the plough is rarely used, and the substitute is a very indifferent one. But, notwithstanding the disadvantages of the present method of culture, I was informed by reputable persons that the average crop of wheat is not less than fifty bushels per acre in good seasons.

On the subject of religion, especially, the change in the public mind has been very great. The Catholic faith is established as that of the State; but there are many advocates, both in conversation and in writing, of universal toleration. Some members of Congress are said to be strongly in favor of it; but the ignorant and superstitious

* Not transmitted.

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part of the people, together with the regular clergy, would not be satisfied with such a measure, while the liberality prevailing among the better informed classes is such as to secure a virtual toleration for the present. Besides, from the circumstances of there being no sects in the country, such a provision may wait the progress of liberality in public opinion. In fact, the human mind has been set free on all matters of a general abstract nature, although the liberty of the press is circumscribed, in some degree, with respect to strictures on public measures and men, and the established religion; but there is neither inquisition nor previous license. They acknowledge the Pope as a spiritual head merely, and do not think him entitled to any authority to interfere in their temporal concerns. His bull in favor of the King of Spain against the colonists, which may be almost regarded as an excommunication, produced little or no sensation.

The number of monks and nuns never was very great in Buenos Ayres, when compared with other portions of the Spanish dominions. They have diminished since the revolution. There was at one time a positive law passed forbidding any one to become a monk or nun; but they were obliged to repeal it, and it was afterwards passed with some modifications. The restrictions substituted, aided by public opinion, have nearly produced the desired effect. Few of the youth of the country apply themselves to the study of theology, since other occupations, much more tempting to their ambition, have been opened to their choice. Formerly, the priesthood was the chief aim of young men of the best families who were desirous of distinction, as, in fact, it constituted almost the only profession to which those who had received a liberal education could devote themselves; which will readily account for the circumstance of so many of the secular clergy directing their attention at present almost exclusively to politics. The regular clergy, who are not permitted by the nature of their profession to take part in the business of the world, nor to hold secular offices, are, many of them, Europeans; but those of them who are natives take the same lively interest in passing events with the other classes of the community.

They have gone cautiously to work in reforms in the different branches of their municipal laws and the administration of them. The number of offices has been considerably diminished, and responsibility rendered more direct and severe. The judiciary system has undergone many improvements, and nearly all the leading features of the law which did not harmonize with the principles of free government have been expunged, though some of the former evils still remain. The barbarous impositions on the aborigines have been abolished, the odious alcavala and other obnoxious taxes modified so as no longer to be vexatious, slavery and the slave trade forbidden in future, and all titles of nobility prohibited under the pain of the loss of citizenship. The law of primogeniture is also expunged from their system. In the provisional statute, as has already been stated,

nearly all the principles of free representative government are recognised, accompanied, it is true, with certain drawbacks, for which they plead the necessity of the times, but which they profess their intention to do away with on the final settlement of the Government—a consummation anxiously desired by all classes of inhabitants. The example of France has warned them not to attempt too much at first. They have followed the plan of the United States in the introduction of gradual reforms, instead of resorting to violent and sudden innovations and revolutions.

Next to the establishment of their independence by arms, the education of their youth appears to be the subject of the most anxious interest. They complain that every possible impediment was thrown in the way of education previous to the revolution; that, so far from fostering public institutions for this purpose, several schools were actually prohibited in the capital, and the young men were not without restraint permitted to go abroad for their education. There was a college at Cordova, at which those destined for the bar or the priesthood completed their studies upon the ancient monkish principles. Another, called San Carlos, (now the Union of the South,) had been opened at Buenos Ayres, but was afterwards converted into barracks for soldiers. It is an immense building, more extensive, perhaps, than any which has been dedicated to learning in this country, and it has lately been fitted up at very great expense. The school was to have been opened in May or June last on a more modern and liberal plan of discipline and instruction. The library of the State is kept in an adjoining building; it occupies a suite of six rooms, and contains nearly twenty thousand volumes, the greater part rare and valuable. It is formed out of the library of the Jesuits, the books collected in the different monasteries, donations from individuals, and an annual appropriation by the Government, and contains works on all subjects and in all the languages of the polished nations of Europe. A very valuable addition has been lately made of several thousand volumes, brought to Buenos Ayres by M. Bonpland, the companion of the celebrated Humboldt.

Besides the University of Cordova, at which there are about one hundred and fifty students, there are public schools in all the principal towns, supported by their respective corporations. In Buenos Ayres, besides an academy, in which are taught the higher branches, and the college before mentioned, there are eight public schools, for whose support the corporation contributes about seven thousand dollars annually; and, according to the returns of last year, the number of scholars amounted to eight hundred and sixty-four. There are five other schools, exclusively for the benefit of the poor, and under the charge of the different monasteries; these are supplied with books and stationary at the public expense. There are also parish schools in the country, for the support of which a portion of the tithes has been lately set apart. It is rare to meet with a boy ten or twelve years of age, in the city of Buenos Ayres, who

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cannot read and write. Besides the scholars thus instructed, many have private tutors. In addition to all this, I must not omit to mention the military academies, supported by Government, at Buenos Ayres and Tucuman, at which there are a considerable number of cadets.

There are no prohibited books of any kind; all are permitted to circulate freely, or to be openly sold in the bookstores; among them is the New Testament in Spanish. This alone is a prodigious step towards the emancipation of their minds from prejudices. There are several bookstores, whose profits have rapidly increased; a proof that the number of readers has augmented in the same proportion. There had been a large importation of English books, a language becoming daily more familiar to them. Eight years ago the mechanic art of printing was scarcely known in Buenos Ayres; at present, there are three printing offices, one of them very extensive, containing four presses. The price of printing is, notwithstanding, at least three times higher than in the United States; but as there is no trade or intercourse with Spain, all school books used in the country, some of them original, are published at Buenos Ayres; the business is therefore profitable, and rapidly extending. There are many political essays, which, instead of being inserted in the newspapers, are published in loose sheets; there are also original pamphlets, as well as republications of foreign works. The constitutions of the United States and of the different States, together with a very good history of our country, and many of our most important State papers, are widely circulated. The work of Dean Funes, the venerable historian of the country, comprised in three large octavo volumes, considering the infancy of the typographic art in this part of the world, may be regarded as an undertaking of some magnitude.

There are three weekly journals, or newspapers, published in the city, which have an extensive circulation through the United Provinces. They all advocate the principles of liberty and republican forms of government, as none other would suit the public taste. The year before last, it is true, one of the papers ventured to advocate the restoration of the Incas of Peru, with a limited monarchy; but it was badly received. No proposition for the restoration of hereditary power, of any kind, as far as I could learn, will be seriously listened to for a moment by the people. Even the ordinary language has changed. They speak of "the State," "the people," "the public," "country," and use other terms, as in the United States, implying the interest that each man takes in what appertains to the community. The first principle constantly inculcated is, "that all power rightfully emanates from the people." This, and similar dogmas, form a part of the education of children, taught at the same time with their catechism. It is natural that the passion for free government should be constantly increasing. A fact may be mentioned to show the solid advancement they have made, which is, that the number of votes taken at their elections increases every

year. In becoming habituated to this peaceful and orderly mode of exercising their right of choosing those who are to be invested with authority, the tumultuous and irregular removal, by a kind of general oratory or acclamation, of those who have been chosen, will gradually cease.

Rather than disturb the order of society, they will endure with patience until the time arrives for effecting a regular and constitutional change. Since the election of the present Director, none of these tumults, before so frequent, have occurred. These tumults have seldom been attended with bloodshed, yet they produce great confusion and disorder, and give rise to habits of insubordination, at the same time that they are ruinous to the character of a nation.

The Viceroyalty of Buenos Ayres differed from the rest in one important particular. It contained no nobility; or, if any, very few. This may be regarded as a favorable circumstance in their society. Another favorable feature, very necessary to the successful administration of their affairs, is the conduct of many individuals who have filled the highest office of State, in descending from that dignified situation to inferior posts, and discharging their duties with alacrity. Thus we behold General A. Balcarce, who was formerly Director, acting as second in command to Colonel San Martin; Colonel Alvarez, also a Director at one period, now serving in the staff under the chief of that department, General Azcuena; and General Rondeau, once elected to the Chair of State, is at present employed in a minor office. There are others, who have occupied the same elevated post, who have retired to the station of private citizens.

The general capacities of the United Provinces for national defence are also important, in many respects. The nature and extent of the country afford the inhabitants numerous advantages over an invading army. The ease with which their herds of cattle may be driven to distant places, beyond the reach of an enemy, and the rapid movements the troops of the country can make, from the ample supply of horses and mules, are circumstances of great consequence in a military view. Even the towns not fortified, from the manner in which they are built, and from the construction of their houses, furnish powerful means of defence, as the British army under General Whitlocke experienced, in their attack on Buenos Ayres.

I am sensible that, in the course of these statements and remarks, some inaccuracies and errors must have occurred; but they have been unintentional. I have only to add, that the reception of the Commissioners at Buenos Ayres, by the Chief Magistrate, was friendly and flattering. From every class they met with a cordial welcome. The people, in general, appear to be very much attached to the American character, and to the Government and citizens of the United States.

Should anything further occur, it shall be made the subject of a future paper.

I have the honor to be, with great respect, your most obedient servant,
C. A. RODNEY.

*Condition of South America.**Mr. Graham to the Secretary of State.*CITY OF WASHINGTON,
November 5, 1818.

SIR: Mr. Rodney having undertaken to draw up, for our joint signature, a report respecting the present situation of the country we recently visited under the orders of the President, and circumstances having prevented him from presenting it to me for perusal until his late arrival in this city, I was not aware until then that I should have occasion to present to you my individual views on that subject. But, on an attentive perusal of the paper he drew up, I found that, although there was not, perhaps, any important fact on which we essentially differed, yet that some were stated of which I was not aware; and that we had taken views which it might be difficult to combine during the short time then allowed to us, and of which it might be proper that you should be put in possession. Under these circumstances, I thought it better to submit to the disadvantage of hastily throwing my observations together, and of presenting them separately, than to ask him to derange the general tenor of his report by introducing them into it.

The arrival of Mr. Bland, who will necessarily make a separate report, will, I trust, reconcile the President to the course I have taken, as, from a combined view of what we individually state, he may, perhaps, be better enabled to draw his own inferences as to the actual situation and future prospects of the country we visited, than from any just report in which we could all have agreed; as, under ordinary circumstances, that must have been the result of a compromise of opinions, and would, probably, have excluded some facts, or some views, which one or the other of us will, in the mode now adopted, present to you.

In my particular situation, however, I thought it less necessary to go into detail, as I knew that the report of Mr. Rodney would furnish information on points which I omit.

With great respect, &c.

JOHN GRAHAM.

The Hon. JOHN Q. ADAMS,
Secretary of State.

The country formerly known as the Viceroyalty of Buenos Ayres, extending from the north-western sources of the river La Plata to the southern cape of America, and from the confines of Brazil and the ocean to the ridge of the Andes, may be considered as that which is called "the United Provinces of South America."

Under the royal Government, it was divided into the intendencies or provinces of Buenos Ayres, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz, and Puno. Subsequently to the revolution, in the year 1814, another division was made; and from the provinces of Cordova, Salta, and Buenos Ayres were taken those of Cuyo or Mendoza, Tucuman, Corrientes, Entre Rios, and the Banda Oriental. The others, it is believed, retained their former boundaries, and, with the

exception of Paraguay, are generally called "Upper Peru."

This widely-extended country embraces almost every variety of climate and soil, and is capable of almost every variety of production. A large part of it, however, particularly on the west side of the river La Plata, and southerly towards Cape Horn, is deficient in wood, even for fuel, and in water; that which is found is generally brackish.

Although three centuries have passed by since the Spaniards made their first settlement in this country, and some considerable towns and cities have grown in it, yet its general improvement and population have by no means kept pace with them, for the lower provinces have been almost entirely abandoned to the immense herds of cattle which graze on their plains, and require only the partial care of a comparatively few herdsmen; and the inhabitants of Upper Peru have been engaged more generally in the business of mining than was favorable to improvement or population. Certain small districts, having peculiar advantages, are said to be well cultivated, and very productive; but agriculture has, in general, been very much neglected. It is, in a great degree, confined to the vicinity of the towns and cities, and may be said to limit its supplies to their demands. This state of things, combined with the regulations of the former Government, the influence of climate, and the force of example, has stamped the character of indolence upon that class of society usually considered as the laboring class. The same causes have not operated (at least not with the same force) upon the other inhabitants of the country; hence, they are more industrious and more active. Their manners are social, friendly, and polite. In native talents, they are said to be inferior to no people; and they have given proofs that they are capable of great and persevering efforts, that they are ardently attached to their country, and warmly enlisted in the cause of its independence.

It is not necessary for me to enter into a detail of the causes which led to the revolution in 1810. The most immediate, perhaps, are to be found in the incidents connected with the two invasions of the country by the British, in the years 1805 and 1806, and in the subsequent events in Spain; as they had a direct tendency to show to these people their own strength, and the incapacity of Spain to give them protection or enforce obedience. The ground-work was, however, laid in the jealous and oppressive system adopted at a more early period by the Kings of Spain, whose policy it seemed to be to keep within as narrow limits as circumstances would permit the intelligence, wealth, and population of that part of America subject to their dominion, as the surest means of preserving an empire which they considered the great source of their wealth and power.

The revolution having been auspiciously commenced in the city of Buenos Ayres, was warmly and zealously supported by the great mass of the people descended from the Spaniards; but the

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native Spaniards, as well those domesticated in the country as those in the service of the King, were almost all opposed to it, particularly at the time and under the circumstances it took place. Dissensions were the immediate result, and their long-standing jealousy and distrust of each other have, by subsequent events, been heightened into deadly hostility, which time alone can wear away. These dissensions have been considered as one of the causes that produced those which subsequently took place amongst the patriots themselves, and which have been most serious obstacles to the progress of the revolution. Other obstacles, however, have been presented by the royal Government in Peru, which has hitherto not only been able to maintain itself there, but has found means, by enlisting the native Peruvians into its service, to send, at different times, considerable armies into the upper provinces on the La Plata, where the war has been carried on from the commencement of the revolution to the present day with various success; the great extent and peculiar character of the country, and the want of resources, having prevented either party from making a blow decisive of the contest. When we came away the advantage in that quarter was on the side of the Spaniards, as they were in possession of the provinces of Upper Peru, which had, to a certain degree at least, joined in the revolution, and some of which are represented in the Congress. Everywhere else they have been obliged to yield up the Government and abandon the country, or submit to the ruling power. The peculiar situation of Montevideo, on the east side of the river La Plata, open to the sea, and strongly fortified, enabled the Spanish naval and military forces, at an early period in the revolution, to make a stand there. They were ultimately obliged to surrender it; not, however, until long-protracted, and perhaps ill-directed efforts, on the part of the assailants had given rise to many jarring incidents between those who came from the opposite shores of the river, probably the effect, in part at least, of ancient jealousies, kept alive by the individual interests of particular leaders; these have been followed by events calculated to produce a still greater alienation; and, although several attempts have been made to bring about a union, they have hitherto been unsuccessful. The provinces of the "Banda Oriental" and the "Entre Rios," on the eastern side of the river, under the direction of General Artigas, are now at war with those on the western side, under the government of the Congress at Buenos Ayres.

This war has originated from a combination of causes, in which both parties have, perhaps, something to complain of, and something to blame themselves for.

General Artigas and his followers profess a belief that it is the intention of the Government of Buenos Ayres to put them down, and oblige them to submit to such arrangements as will deprive them of the privileges of self-government, to which they claim to have a right. They say, however, that they are willing to unite with the people on the western side of the river, but not

in such a way as will subject them to what they call the tyranny of the city of Buenos Ayres. On the other hand, it is stated that this is merely a pretext; that the real object of General Artigas, and of some of his principal officers, is to prevent a union on any terms, and to preserve the power they have acquired, by giving an erroneous excitement to the people who follow them; that it is wished and intended to place those provinces on a footing with the others; that the respectable portion of their inhabitants are aware of this fact, and anxious for a union, but are prevented from openly expressing their sentiments from a fear of General Artigas, whose power is uncontrolled by law or justice, and hence the propriety and necessity of aiding them to resist it. Armies have accordingly been marched, within the present year, into these provinces; but they were not joined by a number of the inhabitants, and were defeated with great loss.

This war is evidently a source of great injury and regret, and at the same time of extraordinary irritation to both parties; for, independently of other causes of recrimination, each accuses the other of having brought about the state of things which threatens to place a most important and valuable portion of their country in the hands of a foreign Power, who has invaded it with a regular and well-appointed army, and is gradually taking possession of commanding points, from which it may be difficult for their united force hereafter to dislodge them. That they will unite is, I think, to be calculated on, unless some event disastrous to the cause of the revolution itself takes place; for their mutual interest requires a union. But more of moderation and discretion may be necessary to bring it about than is at this time to be expected from the irritated feelings of some of the principal personages on both sides.

The city of Santa Fe, and a small district of country around it, also refuse to acknowledge the authority of the Government of Buenos Ayres.

In Paraguay, the events of the revolution have differed from those in any other province, as the inhabitants of that country have uniformly resisted the efforts of the other provinces to unite with them. After having aided the Spanish placed over them to repel a military force which had been sent to overthrow them, they themselves expelled from their country these authorities, and established a government of their own, totally unconnected with that of the other provinces, with whom they manifest an unwillingness to keep up even a commercial intercourse. This has given rise to a suspicion in the minds of some that there is a secret predilection among them for the ancient order of things. But, from what is said of their cold and calculating character, from the safe position of their country, and its capacity to supply its own wants, it is probable that their object is to husband their resources, and profit by the exertions of others, without giving their own in aid of them; and possibly, in case of ultimate failure, to place their conduct in a less objectionable point of view before the Government of Spain. What-

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ever may have been their motives, they have hitherto contrived to escape, in a great measure, the evils of war.

Their resources in men and money are said to be considerable, and no country is more independent of foreign supplies.

Their conduct furnishes a striking contrast to that of the people of Buenos Ayres, who entered into the revolution with unbounded zeal and energy, and have ever been ready to meet the difficulties of so great an undertaking. This circumstance, connected with their local situation, greater resources, and more general information, and perhaps the fact of their having been the first to get power into their hands, have had the effect to give them a controlling influence over the revolutionary government, which has not failed to excite, in some degree, the jealousy of the other provinces, and amongst themselves a feeling of superiority little calculated to allay that jealousy. Great evils were at one time apprehended from this state of things; but the Congress which met at Tucuman, in March, 1816, composed of deputies from the several provinces then united, assumed the sovereign power of the country, boldly declared its absolute independence, and adopted a provisional form of government, which is understood to have the effect of allaying dissensions, and of introducing a more regular administration of public affairs.

It will be seen, from the documents in your possession, that this provisional constitution recognises many of the principles of free government, but with such drawbacks as are little calculated to enforce them in practice. Great allowances are doubtless to be made for the circumstances of the times, and the danger and difficulty of tearing up ancient institutions, or of adapting new principles to them. But, after due allowance for all these considerations, it did not appear to me that so much had been done for the cause of civil liberty as might have been expected, or that those in power were its strongest advocates. It is generally admitted, however, that some changes for the better have been made. Much care seems to be taken to educate the rising generation; and as those who are now coming on the theatre of action have grown up since the commencement of the revolution, and have had the advantage of the light thrown in by it, it is fair to suppose that they will be better prepared to support and administer a free government than those whose habits were formed under the colonial government of Spain.

The commerce and manufactures of the country have grown beyond its agriculture. Various causes, however, have contributed to lessen some branches of manufacture since the revolution, but commerce is understood to have been increased by it. A much greater variety and quantity of foreign goods is imported, and a greater demand is opened for the productions of the country. The city of Buenos Ayres is the seat of this commerce. From it, foreign and some domestic goods are spread through the in-

terior, as far as Chili and Upper Peru, and, in return, the various productions are drawn to it. This trade is carried on principally by land, as is that between the different various provinces, though some small portion of it finds its way up and down the large rivers forming the La Plata, which is itself not so much a river as a great bay. The abundance of cattle, horses, and mules, and of some other animals peculiar to the country, which are used in the mountainous regions of Peru, furnishes facilities for transportation not to be found in any other country so little improved; hence the price of transportation is very low, and the internal trade greater than it otherwise would be, though it had been materially lessened in some important branches by the war with Peru, and the system adopted in Paraguay.

The export and import trade is principally in the hands of the British, though the United States and other nations participate in it to a certain degree. It is depended on as the great source of revenue to the State; hence they have been tempted to make the duties very high, and to lay them upon both imports and exports, with the exception of lumber and military stores. This circumstance, connected with the fact that payment is demanded at the custom-house before the goods are delivered, has led to a regular system of smuggling, which is said to be carried to great excess, and doubtless occasions the official returns to fall short of the actual amount of the trade. This may be the reason why they were not given to us. The articles imported are almost every variety of European and East India goods, principally from England—rum, sugar, coffee, tobacco, cotton, and timber from Brazil; lumber of almost every description, codfish, furniture, gin, and some smaller articles from the United States, together with military stores, which, however, find their way into the country directly from Europe, and are thus furnished at a cheaper rate than we can sell them. The principal articles of export are taken from the various animals of the country, tame and wild, from the ox to the chinchilla; copper from Chili, and some of the precious metals drawn principally from Peru; but as gold is worth seventeen dollars per ounce, and passed by tale at that rate, very little of it is exported. Hence the currency of the country is gold, for they have no paper money. The *libranzas* or bills of credit issued by the Government are however an article of traffic among the merchants, as they are received in payment for one-half of the duties. No distinction is made in favor of the trade of any nation, save only that the British merchants have some peculiar facilities granted them in relation to their letters, which are an object of taxation, at least so far as applies to those sent out of the country.

In the official statements given to us, and to which I beg leave generally to refer for information as to the foreign relations, the productions, military and naval force, revenue, and population; the latter is stated at one million three hundred thousand, exclusive of Indians. This is understood as comprehending the population of

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all the provinces; but as some of them are not under the Government of Buenos Ayres, I have thought it proper to annex the several estimates I collected of the population of each province, as they may serve to give some general information on that point. The most immediate difficulty felt by the Government, while we were in the country, seemed to arise from the want of money; for, although the debt was small, their credit was low. It had not been found practicable to adopt a system of finance adequate to the exigencies of the times, though it would seem, from the statement given to us, that the revenue of the last year exceeded the expenses. The important events of the present year in Chili, of which you are informed, will doubtless have the effect to raise the credit of the country, and to lessen the pressure upon it, at least for a time, and will probably leave the Government more at leisure to attend to its internal affairs.

When we came away, it was understood that a committee of the Congress was engaged in draughting a new constitution, the power of forming and adopting it being exclusively vested in the Congress. Whether it will assume a federal or national character is somewhat doubtful, as there are evidently two parties in the country, whose views in this respect are very different, and it is believed that they are both represented in the Congress. The one party is in favor of a consolidated or national Government, the other wishes for a federal Government, somewhat upon the principles of that of the United States. The probability seems to be, that although there might be a majority of the people in the provinces generally in favor of the federal system, it would not be adopted, upon the ground that it was not so well calculated as a national Government to provide for the common defence—the great object now in view. The same general reason may be urged perhaps for giving to the latter, should it be adopted, less of a republican character than probably would have been given to it in more quiet and peaceful times. There is danger, too, as the power of forming and adopting the constitution is placed in the hands of a few, that the rights and privileges of the people may not be so well understood or attended to as they would have been had the people themselves had a more immediate agency in the affair. It is not to be doubted, however, that it will at least have a republican form, and be bottomed upon the principles of independence, which is contended for by all descriptions of politicians in the country who have taken part in the revolution, and will it is believed be supported by them in any event to the last extremity.

Their means of defence, of which they are fully aware, are, in proportion to their numbers, perhaps greater than those of almost any other people; and the duration and events of the war have strengthened the general determination never to

submit to Spain. This determination rests upon the recollection of former sufferings and deprivations; upon a consciousness of their ability to defend and to govern themselves; and upon a conviction that, in case of submission on any terms, they would, sooner or later, be made to feel the vengeance of the mother country. These considerations have the most weight upon the minds of those who have taken a leading part. They, of course, use all their influence to enforce them, and thus to keep up the spirit of the revolution. In this they probably have had the less difficulty, as, although the sufferings of the people have been great, particularly in military service and in raising the contributions necessary for that service, yet the incubus of Spanish power being thrown off, and with it that train of followers who filled up almost every avenue to wealth and consequence, the higher classes have been awakened to a sense of advantages they did not before enjoy. They have seen their commerce freed from legal restraints, their articles of export become more valuable, their supplies furnished at a lower rate, and all the offices of Government or other employments laid open to them as fair objects of competition. The lower classes have found their labor more in demand and better paid for, and their importance in society greater than it formerly was. They are yet, however, from their indolence, general want of education, and the great mixture of "castes" among them, in a degraded state, but little felt in the affairs of the Government. The stimulus now given will operate to produce a change in them for the better, and, it is to be presumed, will gradually have its effect, as their docility, intelligence, and activity, when called into service, give evidence that they are not deficient in natural or physical powers.

Labor, as it becomes more general, will become less irksome to individuals; and the gradual acquisition of property, which must necessarily result from it in such a country under a good Government, will doubtless produce the happy effects there which it has uniformly produced elsewhere, and more especially in countries where the population is small when compared to the extent of territory.

I am very sensible that I may have been led into errors of fact or inference. In that case I can plead honesty of intention, and the difficulty of collecting at a single point, and within a limited time, correct information, or of analyzing that which was collected, respecting a people in a state of revolution, who are spread over an immense country, and whose habits, institutions, and language are so different from our own.

I have only to add, that we were politely received by the Supreme Director, who made every profession for our Government, and every offer of accommodation to us, as its agents, which we had a right to expect; and the people manifested, on all occasions, the most friendly dispositions.

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Estimate of the population of the provinces of Buenos Ayres, Cordova, Tucuman, Mendoza or Cuyo, and Salta, under the names of the different towns or districts which send Representatives to the Congress.

| TOWNS, &c. | By an imperfect census, (1815,) excluding Indians, transient persons, troops. | By more recent estimates excluding Indians. | Excluding Indians. | Including Indians. |
|---|---|---|--------------------|---|
| Buenos Ayres - - - - - | 98,105 | 105,000 | 120,000 | 250,000 |
| Cordova - - - - - | - | 75,000 | 75,000 | 100,000 |
| Tucuman - - - - - | - | 45,000 | 45,000 | 20,000* |
| Santiago del Estero - - - - - | - | 45,000 | 60,000 | |
| Valle de Calamarca - - - - - | - | 36,000 | 40,000 | |
| Rioja - - - - - | - | 20,000 | 20,000 | |
| San Juan - - - - - | - | 34,000 | 34,000 | |
| Mendoza - - - - - | - | 38,000 | 38,000 | |
| San Luis - - - - - | - | 16,000 | 16,000 | |
| Jujuy - - - - - | - | 25,000 | 25,000 | |
| Salta - - - - - | - | 50,000 | 50,000 | |
| Provinces of Upper Peru— | | | | |
| Cochabamba - - - - - | - | 100,000 | 120,000 | 200,000 |
| Potosi - - - - - | - | 112,000 | 112,000 | 250,000 |
| La Plata, or Charcas - - - - - | - | 112,000 | 112,000 | 175,000 |
| La Paz - - - - - | - | - | - | 300,000 |
| Puno, under the name of Santa Cruz de la Sierra Ouira | - | 120,000 | - | { 30,000† 150,000† 50,000† 300,000 |
| Paraguay - - - - - | - | - | - | |
| Banda Oriental, and Entre Rios | - | 50,000 | - | |

Note.—It is not understood that any part of the province of Corrientes, or that of the city or district of Santa Fe, is included in this estimate; and some districts of some of the other provinces may be omitted.
* Probably the town only. † Under the various names of Santa Cruz de la Sierra, Majos, and Chequitos.

APPENDIX TO MR. RODNEY'S REPORT.
A.

Historical sketch of the Revolution of the United Provinces of South America, from the 25th of May, 1810, until the opening of the National Congress on the 25th of March, 1816; written by Dr. Gregorio Funes, and appended to his History of Buenos Ayres, Paraguay, and Tucuman.

It is the advice of a sage that the history of revolutions should be written neither so long after they have happened that many of their events will be forgotten, nor so immediately after they have occurred as to preclude it from being executed with the requisite impartiality. In the last case, all who read it, sitting in judgment upon it, approve or condemn according to their feelings, and, in consequence, it is deemed a chaos of uncertainties. We have, therefore, determined to give merely a sketch of the Revolution, and to refrain from such narration as would perhaps revive animosities which patriots wish never to see renewed.

1810.—A succession of reverses had deranged all the plans of defence adopted by Spain to resist the attacks of France. The pass of Sierra Morena being forced, the army of the enemy extended its conquests to the island of Leon. Af-

fairs were in this desperate situation when the timorous Cisneros addressed his celebrated proclamation to the people, more for the sake of repelling the danger which menaced his authority than of furnishing them rules to regulate their conduct in case of the French succeeding in their ambitious designs against the mother country. A martyr to the suspicions to which he had given himself up, as if he disdained artifice, he endeavored to gain credit with the people by palming upon them his statement of the utter imbecility of Spain, which they knew as well as he, for noble sincerity. In fine, he descended to propose a plan of national representation as remote from justice as from utility.

This was a conjuncture which the people of Buenos Ayres anxiously expected. That period had long passed away when America, without any object with which to compare herself, had believed men bound implicitly to be guided by the maxims of their predecessors. The revolution of North America, and the recent one of France, had revived among us the natural rights of man. The same Regency, although thereby doing violence to its feelings, said to us, "that we were elevated to the dignity of freemen; that we were, not like our ancestors, oppressed by a yoke rendered more galling by their distance from the centre of power, viewed with indiffer-

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ence, and made vile by ignorance." In fine, in the reconquest of Buenos Ayres, by expelling the English, we had made trial of our strength; and convinced that we might now safely cast off the leading-strings of infancy, he believed that this was the time to shake off the authority of a decrepit and tyrannical mother. We were also impelled to this measure from its appearing probable that Napoleon would render permanent the Government he had established in Spain.

A number of brave men* united themselves secretly for the purpose of extirpating tyranny, and at the risk of their tranquillity, and fortune, and life, formed the plan of this Revolution. Though destitute of military force, they dared provoke a powerful Viceroy; without experience, they yet lulled to sleep the vigilance of their Governors; without money, they gained over many of the soldiery; without authority, they reigned in the hearts of their fellow-citizens. This being the situation of things, the volcano at last burst forth. A junta of nine persons, with full powers,† assembled on the 25th May, 1810, agreeably to the summons of Cisneros, the Viceroy. This was the first step in our Revolution; a revolution effected without bloodshed, maintained by success, ardently desired by the good, and capable of producing the happiest effects.

Although the considerations we have mentioned would have justified the declaration of independence, the capital did not proceed to this extremity. It considered that to pass at once the immense interval between slavery and liberty would be a premature measure, and, contrary to the inviolable law of nature, that improvement shall be gradual. Besides this, although they knew that the enjoyment of the social rights was an object so dear to the hearts of many Americans, they knew, also, that there were among them some timid men, who, exposing themselves to universal derision, reprobated the good purchased by any other than pacific means; others who, destitute of love of country, were strangers to the most heroic passions; and others so unenlightened as to deem servitude their natural and proper state.

As well to make an experiment upon these dissimilar classes of men as to leave the great measure of declaring independence untried till events should render it expedient, the capital limited itself, for the present, to the only plan sanctioned by prudence. This was, that the provinces, in the name of Ferdinand VII., should assume the direction of public affairs. Everything prompted us to this innovation. The peninsular Government, its springs having lost their elasticity, appeared insufficient to secure the existence of the nation. The very provinces of Spain were, more

or less, in open opposition to her authority. Her governmental orders were either entirely violated, or imperfectly obeyed. This monarchy was completely unliged. The component parts of this vast body politic were so widely dispersed that they could have no tie capable of binding them together. This want of union rendered the nation weak. It was doubtful whether the Central Junta could, of itself, establish a Regency. In fine, America was an integral part of the monarchy, and enjoyed equal rights with Spain.

This innovation excited greatly the feelings of the people, and gave birth to as little speculation. Men, who had submitted without a murmur to be treated as slaves, blessed the moment when, at least, they were no longer instrumental to their own sufferings. But, on the other hand, interest and arrogance caused the European Spaniards to regard with rage the newly-awakened energy of a people they had long contemned—an energy which menaced them with the deprivation of office and influence.

The oidores of Buenos Ayres were the first who manifested a disgust, unbounded and promotive of insubordination. The Junta excluded from the Government certain individuals* regardless of everything but self-interest. For them it substituted others more worthy.

The royal marine, characterized by ignorance and indocility, also gave loose to selfish passions. It retired to Montevideo; endeavored to stir up the people to insurrection; implored succors from Brazil; dispersed the army; imprisoned its chiefs, and even sent them to Spain; in fine, threw all things into confusion.

The State was upon the eve of civil war. Lima, Montevideo, Paraguay, the chiefs of Cordova, Potosi, and Charcas, prepared themselves for a bloody contest with the capital and its adherents. But their animosity excited vigilance in the Government, and enthusiasm in the patriots.

To guide the people in the novel and daring career upon which they had entered, the Government and the clergy furnished them with productions written with ability and with energy. To enlighten the public, and, consequently, to triumph over the errors of education, was deemed a sacred duty. The conduct of the ecclesiastics was particularly praiseworthy, since they acted in opposition to the bishops of their dioceses, more occupied with the advantages of posts they feared to lose than interested for their flocks.

As the provincial chiefs in opposition to the Government were deaf to persuasion, it determined to obtain by force for the people the enjoyment of their rights. It organized an auxiliary expedition to operate against the enemies of liberty in their interior provinces. At this very time Concha, Governor of Cordova, and the bishop Orellana, excited by the ardent Linters, viewed the revolution as a criminal enterprise

* These were Casteli, Belgrano, Chiclana, Paso, Vieytes, Pena, Danagucyra, Paso, Terrada, Tompson, Vietes, Balcarce, Beruti, Rodriguez, Donado, Prigoyen.

† These were Colonel Seapedra, President; Casteli, Belgrano, Azeninaga, Alberti, Mateu, Larrea, Moreno, and Paso.

* They were sent to the Canaries, and were Cisneros, Velezco, Reyes, Billota, Carpe, Danaguxra, Escharraria, Medeano, and Cosis, the fiscal.

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against the State, and excited the people to disobedience and to vengeance. To cure them of this phrensy, and to convince them that they were laboring for their own ruin and that of the people, my opinion, delivered in a Junta,* was ineffectual. At last, these deluded men discovered, to their cost, that they were struggling in an unknown sea against a tempest they could not withstand. Abandoned by their own soldiers, who never heartily embraced their cause, they were taken prisoners.†

The Junta determined to cement the revolutionary Government with the blood of those mistaken men, and thus to terrify into silence the enemies of freedom. When informed of this resolve, my surprise and grief were equally great. It was on the eve of its execution that I was informed of this determination. To avert from a cause, so far untainted by injustice, the imputation of atrocity, nay, even of sacrilege—for such those accustomed to kneel before their bishops would have deemed this act; to prevent the secession from the patriot cause of many reputable and influential families,‡ whose reputation and feelings such an execution would have deeply wounded; in fine, impelled by humanity, I felt bound to urge these reasons upon Don Francisco Antonio Ocampo and Don Hipoletto Vieytes, chiefs of the expedition, and to supplicate the suspension of so odious a sentence. The impressions which these reasons, and others added by my brother, Don Ambrosio Funes, made upon their minds, produced the desired effect a few hours before the time appointed to inflict the punishment. The Government deemed this extreme moderation incompatible with the security of the State. The blockade of the capital by the royal marine from Montevideo; the intrigues of the European Spaniards, ever on the alert; in fine, opinions in favor of Liniers, whispered among our troops, the companions of his dangers and glory, compelled the Government to choose between the death of these conspirators, and the ruin of dawning liberty. Placed in this dilemma, from a sense of duty, it did violence to its feelings and confirmed the sentence, except that part relating to the bishop. Thus died, prematurely, men who, in other times, might have been useful citizens.§

Among the chiefs assembled by Concha and Liniers, the most conspicuous were Sans, Gov-

ernor of Potosi, and Nieto, President of Charcas. Nieto, licentious as was ever any minion of tyranny, oppressed with vexations each garrison under his command, imprisoning the soldiers in caverns, and even condemning them to toil in bake-houses. Thus this idiot expected to prop the tottering fabric of slavery, and to perpetuate meanness of spirit and misery. While these and other events agitated the centre of Peru, the Junta gave additional respectability to the auxiliary expedition. Casteli having resigned the command, Don Antonio Balcarce was appointed in his stead. The victory of Suipacha put an end to the enterprises of certain rash men. The Major General, Cordoba, Sans, and Nieto, were shortly after put to death.

It was not so much from external obstacles, as from a weakness common to all States in times of revolution, that our affairs were not always prosperous. It must be perceived that we are now about to speak from intestine dissensions. When we threw off the yoke, we thought that, in organizing a Government, it was impossible to recede too much from the tyranny which had caused our sufferings and our shame. A youth of talents and information, says a modern author, astonished at reading, in each page of the ancients, a diary of what passed before his eyes in the late French revolution, happily thought of writing its history, with passages extracted from these authors; and, without any other labor than that of citation, composed an original work. So true it is, adds he, that there are no annals more authentic and instructive than those of the human heart. When we attentively consider our dissensions, it appears as if Cicero, and Tacitus, and Sallust, were their historians.

Governments destitute of solid foundations will always be playthings. Scarcely had the first Junta begun to exercise its authority, when the clouds gathered and the lightnings flashed around them. Our germ of discontent, not dissembled, was exclusion from a share in command of the deputies of the people, appointed to give a legal existence and form to the new political* structure. This exclusion excited personal resentments; and those who deemed themselves injured endeavored to avenge themselves in the name of the public weal. The events which occurred in consequence will be recounted in the course of this sketch.

These provinces were now the theatres of civil war. The Paraguayans had not yet resolved to sacrifice a tranquil slavery for a liberty precarious and tumultuary. The first Junta perceived that this state of that province was the consequence of fears inspired by its Governor, Velasco, and

* This Junta met at the house of the Governor, Concha: Liniers, Orellana, two oidores, Nonorarios, Colonel Allende, the assessor Rodriguez, the alcades ordinarios, the Mintro de las Caxas, Moreno, and myself, were present. Talone was in favor of the capital. My opinion may be seen in the *Gazeta de Buenos Ayres*, or in the *Periodico Espanol*.

† Except the oidores and alcades ordinarios.

‡ Allende and Rodriguez were related to the principal families of Cordova, Liniers, and Concha, the most respectable of Buenos Ayres; some of the relatives of the two last had taken part in the revolution.

§ The execution took place between the Post Kabaza del Tigra and that of Lobation.

* To unite the provinces in a Congress, by their representatives, was the first resolve of the capital. Circular letters having been written for this purpose by the Junta, elections were holden in the most tranquil cities. In these letters it was stated that the deputies, when elected, should be incorporated in the Government. It was now the middle of December, and the deputies (of whom I was one, representing Cordova) were not incorporated.

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felt it a sacred duty to open its eyes to its interest and honor. This was the object of another expedition, commanded by Don Manuel Belgrano. It was, at first, unsuccessful; but what three bloody battles failed to win, was the fruit of a negotiation most sagaciously conducted by the General. The Paraguayans began to be persuaded that the zeal of Velasco was refined selfishness, obedience to him meanness of spirit, and submission to Spain contrary to the public good. The movements of the enemy at Montevideo, until now, though seditious, were unimportant. The arrival there of a viceroy for Buenos Ayres inspired the hope of humbling us. Idiots! to indulge such a hope. We knew Elio, and counted upon his follies as most efficient auxiliaries. This soldier, whose motto was "boldness," promised the Regency to convert the capital into a dungeon of slaves. It was natural that silly and extravagant expectations should be indulged and promulgated to his employers by a viceroy incompetent to fill the most petty office. Elio had the insolence to require the Junta to recognise him; but this body treated his demand with the contempt it deserved.

1811.—In consequence of this repulse, Elio declared the Junta rebellious, and answerable for all the blood that might be shed in the contest. His first effort was to reduce the Orientals to obedience. But these brave men taught him, what daring spirits, in robust bodies, could effect. The conquest of Gualeguaychu and the victory at Soriana were merely preludes to actions more glorious.

Certainly the fury of Elio was far less dreadful to the State than the internal dissensions which now convulsed it. While the Junta of Deputies labored in performance of its duties, new plots were hatched, during a repose which was compulsory, by a rival party. It was attempted, by black calumny, to abuse credulity in order to render the deputies suspected. It was whispered that they intended to sell their country to the Portuguese for money and office—a base slander,* which never would have obtained believers, were it not true at all times that the great characteristic in party is blind deference to leaders. The Junta did not yield to this persecution, but the deputies, stigmatized as traitors and tyrants, opposed no other shield against calumny than a faithful discharge of duty.

Nevertheless, they were still victims of detraction, when a revolution, known as that of the 5th and 6th of April, in which the Government had no share, took place. This event afforded no pleasure to the Junta; it knew that in the ordinary course of the passions one revolution engen-

ders others of the same kind; for when parties are once formed, interest and justice become with them convertible terms. The Junta had always been persuaded that the true object of the revolution ought to be to secure the people the advantages of a free Government. It held the opinion that persons in authority, if unrestrained by the jealous and unceasing attention of colleagues, invariably became corrupt; that, after being guilty of usurpations, to become despotic, became necessary to insure impunity; and that from violations of the laws to despotism is but a step. Supported by these reasons, and the unanimous vote of the people, it introduced the government of Juntas into all the provinces.

Animated by the same spirit, it introduced, also, the liberty of the press. The Junta was of opinion that the time had arrived when thought ought no longer to be imprisoned by the will of the magistrate, who, in the words of a celebrated genius, "with the cord that binds it in his hand, measures and fixes the distance of its flight."

These cases were succeeded by others of a different nature and importance. To excite the Orientals to resist their foe, and not to be at the mercy of the furious Elio and his rapacious followers, among the different objects soliciting attention, deserve the preference. By repeating frequently the words Sparta, Rome, liberty, patriotism, and by aid lavish and opportune, we had at last the consolation of interesting them in the salvation of the country. The taking of Canelones by Don Benancio Benovidez, and the victory of San José, gained by troops of Don José Artigas, will always excite delightful feelings. But the Junta expected to gather the best fruits after, from policy, it had transferred the command of the army, and sent reinforcements to Colonel Don José Rondeau. Nor was it deceived; the towns of Minas, San Carlos, and Maldonado yielded successively to the conqueror Don Manuel Artigas; and the Orientals, rising in mass, invested the walls of Montevideo. Success so brilliant filled Elio with consternation, and made him deem it necessary to stop the patriots in their prosperous career, by some great effort. Twelve hundred of his best troops, with a great train of artillery, occupied Piedras. Notwithstanding their superiority in numbers, arms, situation, and discipline, they were conquered by men who, animated by the glory of conquering, forgot their nakedness, weariness, and all the horrors of death. The General, Don José Artigas, manifested on this occasion that ardor and coolness with which he inflamed or moderated the passions of his troops, as circumstances required.

These victories, and General Rondeau's removal of his headquarters to Mercedes, for the purpose of besieging Montevideo, filled Elio, till then over-confident, with despair. He inquired of the Junta if an accommodation were possible, and offered to purchase it, even with the humiliating sacrifice of his office. While the Junta was deliberating upon this proposal, it received intelligence that Paraguay had at last awakened from its lethargy, and turned against its oppressors

* In support of this calumny, a letter written by the English Captain Fleming to the Government of Chili was triumphantly urged. But Lord Strangford, the British Ambassador near the Prince Regent of Portugal, in his official letter of September 7th to the Governor of Buenos Ayres, thus expresses himself: "I can, in the most authentic manner, in the name of my Court, disavow the letter of Captain Fleming."

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arms placed in the hands of its sons in order to be used against the country, thus profiting by its error. This pleasing information produced a reply to Elio, which showed him that nothing remained for him but submission.

This energetic reply lighted up anew his flame of war. Elio, harkening alone to the rage which filled his bosom, prepared to bombard the capital. Michelena, with a squadron of five ships, appeared off the harbor, and informed the Junta of his hostile intent. This body, unintimidated, boldly answered, in reply, "Proceed, and receive practical lessons of the energy of a people whose courage and resources are incalculable." The bombardment was executed, but with more injury to the enemy than to the capital.

It is now time to turn our eyes to the army of Peru. Thus far it was successful. Casteli, with six thousand men under his command in the vicinity of Desagüedero, expected decisive events, which would cover our arms with glory;* but, instead of adopting measures suitable to his circumstances, he entered into useless negotiations, and obtained an armistice, which Goyeneche perfidiously turned to his own advantage. Six days before it expired, the armies of the country were attacked in Guagy and Chibiraga, points distinct and distant from each other. In the first battle, the enemy were victorious; in the second, (at Chibiraga,) neither party conquered, but the dispersion of our army left the foe master of the field of battle on the following day. Our auxiliary expedition being thus unfortunate, the enemies became masters of Upper Peru. The Junta was undismayed by this reverse of fortune. In its proclamation to the people, it reminded them that the Roman Senate, after the defeat of Cana, thanked the Consul Varro for not despairing of the republic, and declared that it did not despair. This proclamation, circulated throughout the country, roused the people to generous exertions.

It is proper here to narrate the capture of the island of *Itota*. The besieging army of Montevideo was greatly in want of powder, and this island contained a quantity equal to what it required. Although the attack was extremely hazardous, it was made with sagacity and valor by Don José Quesado, commander of our troops, and crowned with success. He abandoned it, after spiking the cannon, bringing with him twenty quintals of powder.

We had not only to contend against the Spanish troops, but also to be on our guard against a stranger whose ambition was well known. Our revolution had early awakened the policy of the Portuguese, and the Court of Brazil, under the pretext of preserving in favor of Ferdinand VII. the integrity of his dominions, desired to get possession of his South American territories, in order to secure the rights which might accrue to the Princess Carlota. The Junta considered that, if Portugal refrained from doing what both her fears and her ambition prompted, it would be a phenomenon in history. It, therefore, mistrusted

this Power, and took all the precautions prudence dictated to render Elio's demands for assistance unavailing.

The Court of Brazil caused its troops to enter the territory of the State, but, before it resorted to arms, made experiment of what it could effect by policy. Removing at last the veil that had enveloped its designs, it proposed to the Junta to purchase, by voluntary submission, its acknowledgment of the independence of La Plata, and its solemn engagement that, even if Ferdinand recovered the Spanish throne, it should not be again subjected to the authority of the mother country. The Junta considered that it would merit public hatred and vengeance, should it hearken favorably to a proposal with which it could not comply without imbecility and baseness, although, since the victory of Goyeneche had made him master of Peru, almost environed with foes, the Junta thought only of putting into requisition all the resources of the country, and, when these failed, to bury itself beneath its ruins. A little less folly on the part of Elio would have placed him in a situation to open a negotiation (as he proposed) with the Junta, to have assisted and been assisted by it against the Portuguese, and to have settled satisfactorily all matters in controversy. From the various sources for bettering the situation of the country which suggested themselves to the Junta, it selected that of reforming the Government. We had long experienced the evils of a system disproportioned, incapable of commanding means adequate to the ends to be effected, and destitute of the power necessary for putting in motion and directing the machine of Government. The exclusion of the deputies from a share in the Government, which we have before related, may have resulted from artifice, precipitation, or other cause; but it is certain that to have admitted them all would have been incompatible with the secrecy, celerity, and vigor, without which to govern well is impossible. To obviate the inconveniences resulting from the want of these essentials, the Junta determined to create an executive power which, in the language of the sapient Necker, "should in the body politic represent that mysterious power which in man causes the action to correspond with the will." The consideration that, when the executive authority has no just limits, the State is but a confused heap of oppressors and oppressed, induced the Junta, in order to temper it, to reserve to itself, with the title *guardian of the public rights*, the power of legislation; not, however, to its full extent, for it could be thus exercised only by a national Congress, but merely to provide for exigencies, to restrain the operation of laws prejudicial to the State, to deliberate upon important affairs, and to calm the distrust in their governors with which growing fondness for liberty inspired the people.

With these limitations the Junta created an executive power, vested in three persons, who were Dr. Don Juan José Paso, Don Feliciano Chiclana, and Don Manuel Sarraitia. If these new

* As Casteli himself states in a despatch.

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magistrates would have respected the barriers that limited their power, they would have spared the capital a tumult, the deputies an affront, and their own reputations a death-wound. From a reprehensible desire of authority, without the proper counterpoise, they stigmatized the regulation made by the deputies, in virtue of the power they had reserved, "as a code calculated to precipitate the country into the abyss of ruin." The deputies being made the victims of public disorder, their place in the Government remained vacant. The manifestoes issued in justification of this measure could easily have been refuted; but the deputies, aware that, when the feelings of the people are in a state of irritation, it is in vain to appeal to them for justice, wisely trusted their defence to events which they were confident would, sooner or later, make apparent their innocence. They did not miscalculate; for the prosperity subsequently enjoyed by the country, under a political system very similar to the one they proposed, has completely refuted the calumnies of their adversaries.

It is impossible, in a sketch like the present, to give a full view of the perturbed state in which this violent measure left the capital. It was divided into factions familiar with every kind of petty artifice. Bitter invectives, false relations, exaggerated fears, were employed to obtain whatever they deemed promotive of their interests. "Each party," says an intelligent observer, "strengthens itself by railing at and calumniating its opponents. Party zeal gives reputation to factions, and to be deemed by them a man of worth, it is sufficient to be one of them." The most despicable persons were selected for chiefs, for the absence of talent and honesty insured their *innocuousness*. The situation of the capital was truly deplorable.

In this state of things, the sergeants, corporals, and soldiers of the 1st regiment openly mutinied and jeopardized their safety, by indiscreetly attempting to prevail against their officers. The capital was converted into a field of battle. The mutineers were compelled to surrender, and eleven of their number were executed to punish this outrage against the laws. The Government did not confirm their sentence with dry eyes, but it knew that rulers invariably bring their authority into contempt by giving impunity to criminals.

Fear and trouble mingle with the very elements of unstable Governments. The deputies of the people retired to their hearths, after they were left at liberty to do so, by their exclusion on the 5th and 6th of April from the Government. The intractable Bishop Orellana, by his hypocrisy, obtained his restoration to a chair from which his crimes excluded him. These occurrences augmented distrust and jealousy. When Government adheres to a party, it makes, says a sage, the political bark to incline to one side, and accelerate a shipwreck in which it is also lost. It is true, though, adds he, that neutrality is not always warranted by justice, but rather by ambition, which, standing aloof from

disorders, draws from them its greatest advantages.

While the bosom of the country was thus torn to pieces, the extremities were in no better condition. It is certain that, in consequence of an almost general insurrection of the Indians, the district of Paz was recovered, the city besieged, and the army of Lombera routed; it is also true that the brave Don Estevan Arce made himself master of Cochabamba. But, notwithstanding these triumphs, the conqueror of Guaqui retained his conquest. The retreat made from Potosi by Colonel Don Juan Martin Pueyrredon, with the remnant of the army and wealth of the country, was executed so heroically that it deserves to be taken for a model. It is only given to intrepid spirits to make themselves respected in the hour of danger.

The Banda Oriental presented nothing which could tranquillize us. It is true that the Portuguese, though acting with their accustomed dissimulation, had not gathered its expected fruits. Their troops had approached Montevideo with the hope that, circumstances opening to them the gates, she would change her language, even if her feelings remained unchanged. Experience showed that the projects of cabinets sometimes fail. A treaty of peace made between this city and the capital, by which it was agreed that, upon our troops raising the siege, and retiring beyond the Uruguay, the Portuguese should evacuate the Banda Oriental, disconcerted all their plans. Still they did not despair. As remarkable for perfidy as we for good faith, by a scandalous invasion on their part, they renewed the war, and gave the troops of General Artigas an opportunity of showing these foes that none offended them with impunity. It was evident that to obtain Montevideo was the object of the Portuguese. Their seductive influence induced her to break the treaty, and renew the blockade of the capital.

It is only the pusillanimous that are disheartened by danger. Men count the number of their efforts by their reverses. Fortune enters into their calculations in doubtful cases, but they rely solely on virtue. The Government, convinced that victory is not essential, and that brave men, when reduced to the greatest straits, are most efficient, undismayed, strained every nerve to save us. The scarcity of money was supplied by a confiscation of enemy's property, and an annual contribution of six hundred and thirty-eight thousand dollars; an *estado mayor general* was created; a methodical plan furnished for reforming the army; subordination was better established; the liberty of the press confirmed; the army of Peru reinforced; and additional troops opposed to the coalition of our enemies.

While these measures were adopting, a new occurrence relighted the torch of discord in the capital. By a regulation of the executive power, an assembly, to meet at stated periods, was organized, for the object of deliberating, during a session positively limited to eight days, upon great State affairs, and of selecting every six

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months a successor to the chief of the Government, whose term of service expired. As love of liberty had generated inquietude and distrust, it was difficult to take any step without interrupting tranquillity. Don Juan Martin Pueyrredon was elected. The assembly considered that it could not without imbecility refrain from assuming supremacy over the General Government and all the provinces of the Union. This was stigmatized by the executive, as an excess subversive of the law which gave this body being. The assembly urged that the law cited against them was the work of force; force terminated the contest, the assembly was dissolved, and the citizens still more disunited.

Discord, the tendency of which is to subvert all authority, debilitates the State. But this does not happen when it is awakened by love of liberty. Nothing is more natural than that the people should observe with fear the hand which governs them, but it is a fear neither enervating courage nor weakening understanding. The confusion into which General Arce, after the rout at Astete, and General Artigas, after a victory over a division of Portuguese, put the Generals Goyeneche and Sousa, ought to have made them know that attempts against liberty are always vain. The Court of Brazil, convinced of this truth, perceived that it would be best for it to be upon terms of amity with us. It, therefore, by its Plenipotentiary, Don Juan de Redemarker, submitted proposals to us, to which, under the guaranty of Great Britain, we acceded.

Although Goyeneche, in Upper Peru, was filled with grief by the desertion of his troops, and other repeated misfortunes, pride would not permit him to abandon his conquest. Thus circumstanced, availing himself of our retreat to Tucuman, from the right bank of the river Suipacha, he resolved to attempt the conquest of Cochabamba. With the greatest and best part of his troops he marched, routed General Arce, and approached the city. Antezana, president of its Junta, perceiving himself without resources, offered submission, and implored the clemency of the conqueror. This proceeding, though prudent, was viewed with extreme disgust by a magnanimous people who had acquired so much glory. Although destitute of solid support, they preferred the horrors of war to the advantages of a humiliating peace, and commenced an irregular fight, in which the women* intermingled with the men. The contest was very unequal; after some resistance they yielded with considerable loss. This gallantry was sufficient to incite Goyeneche to the most base and cruel vengeance. The town was delivered up to plunder for three hours, which afforded opportunity for the commission of every sort of crime.

* To commemorate the heroism of these families, and as an incitement to patriotism, an *ayudante* in each corps of the army of Peru, at roll-calling in the evening, calls out the women of Cochabamba, as if they ought to be presented, and a sergeant replies, they died in the field of honor.

That the soldiers should have been guilty of monstrous excess, is not surprising, since Goyeneche, himself incited them by his example.* It is a fact, well authenticated, that, entering with one-half of his cavalry the gate of the mother church, the sacrament being exposed, he killed, with a stroke of his sword, the fiscal Lopez Andrea, who presented it trembling with terror.

He then pursued boldly the several precedents of tyrants: by banishments, confiscations, and executions, this homicide rivalled Nero in infamy. In the places subjected to his yoke, a gesture, a clouded visage, an indiscreet word, a tear stealing down the cheek, was a crime of State. It may be remembered that eleven of the dispersed soldiers of General Arce were sacrificed to his vengeance at Chuquisaca. It was necessary for the timid to be encompassed by men like themselves, that they might not encounter, on whichever side they turned, this head of Medusa which froze the heart. But, in general, he failed to obtain the expected fruit from his barbarous policy. He inspired more hatred than terror. On all sides his troops were attacked with fury.

While we are drawing near the moment when the arms of the country achieved more important victories over the enemy, let us notice other successes, more nearly relating to the capital.

The measures of the Portuguese we last mentioned, and the obstinate resistance of Montevideo, induced the Government to send Don Manuel Sarraatea to the other side of the river, as its representative and general. The primary object of this mission was to renew the siege of Montevideo, and to set limits to extravagant pride. The success of this undertaking depended upon the co-operation of the eastern with the western troops. But the appointment of Sarraatea was not approved by General Artigas, and his jealousy impeded the execution of this project. But at last, after some opposition from Agui and Salto Chico, the union which should ever subsist between the several members of the same State was in fact obtained. Some troops joined the army, though slowly, and bodies of men were stationed in the vicinity of Montevideo by General Rondeau. The Governor, Vigodet, perceived that this new siege was about to produce inevitable misfortune. Knowing that all our forces had not united, he formed the design of surprising our camp, and executed it with vivacity, at the head of two thousand men. In this history are recorded few days more glorious than the 31st of December, 1812, in which our General, his subalterns, Soler, Ortiguera, Quintana, Eocalada, and other officers, manifested a valor and intelligence worthy our cause. Their efforts made the audacity of the enemy degenerate into cowardice. Being very roughly handled, the

* By the express orders of Goyeneche the monastery of Santa Clara was not plundered, because he knew that the most valuable property of the town was there deposited, and wished to appropriate it to his own use.

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foe retreated, leaving dead on the field of battle Major General Muesas, with many officers and soldiers. Many prisoners were taken.

It was decreed that our freedom should be purchased with blood and with danger. The rejoicings for this victory were mingled with astonishment at the discovery of a most atrocious plot. A considerable number of European Spaniards, resident in Buenos Ayres, had confederated to cover it with havoc and mourning. These perfidious associates held their treasonable meetings in profound secrecy, and adjusted a plan so inhuman that posterity will be unable to read the account of it without shuddering. The members of the Government, the magistrates, the most zealous Americans, and even European Spaniards, friendly to independence, were to be beheaded on the scaffold. Those who escaped from the carnage were to be banished from their habitations, to make room for Spaniards from the interior. The provinces, these assassins expected, would speedily be subjugated to their authority. Martin de Alzaga, a man formed by nature for crimes of this sort, had the direction and execution of this atrocious conspiracy confided to him. For the sake of humanity, the tutelary genius of the country defeated the plan of these conspirators. At the very instant they were issuing forth to commence the work of desolation, they were discovered and arrested sword in hand. When this affair became public, indignation could be read in every countenance. By the assistance of the citizens, the principal criminals were apprehended. The Government, subjecting these disturbers of the public peace to the utmost rigor of the law, inflicted on those the punishment they designed for others.

While we were rejoicing at our escape from so atrocious a plot, we were still apprehensive of being assailed by an army which, considering our weakness as part of its strength, menaced us from Jujuy and Salta. Three thousand men, with three pieces of artillery, commanded by General Don Pio de Trestan, a native of Arequipa, and second in command of Goyeneche, fell upon our army of Tucuman, amounting to only sixteen hundred soldiers; the greater part of them heard in this battle for the first time the whistling of balls. Only the most daring could hope for victory. General Belgrano, who united the most insinuating sweetness of manners with the most rigid justice, possessing, too, the art of penetrating the designs of the enemy and concealing his own, at the head of a patriotic band of the vicinity, decided the fortune of the day. Colonel Don Raymond Balcarce also signalized himself; where the battle most raged, there was he to be found. The other officers also entitled themselves to their country's gratitude. As if they had not been humbled in the action of the 24th of September, the enemy offered us a new insult on the following day. Conquered as they were, without artillery, munitions, or baggage, they dared demand the surrender of a town to which the infantry had retired with part of the cavalry. The Major General Don Eustacio

Diaz Velis, who commanded there, was one of those men who live only for their country. His energetic reply put to flight the hope which the enemies were silly enough to indulge, and forced them to a disorderly and shameful retreat.

The news of this memorable victory reached the capital when it was convulsed by a new commotion. The spirit of party we have so much lamented on every change in the Government produced some disturbance. In this state of things, says an elegant observer, no one grasped the command but an adventurer destined to fall by reason of his very elevation. To give a successor to the chief of the Government, whose term of service expired, the assembly met and chose Dr. Don Pedro Medrano; a popular commotion ensued. The consistorial assembly reassumed the authorities of the people; a new Government was appointed, composed of the citizens Don Juan José Paso, Don Nicholas Pena, and Don Antonio Albares Jonte, and was recognised.

Power is mere nullity, if those who ought to obey it think that in all cases they have a right to sit in judgment upon what it commands. This was the situation of the State. Instead of having recourse to the energetic measures necessary to support Governments, the new Government weakly resorted to decrying the one which had been subverted, to promising great advantages from the subsisting one. It believed that a general assembly, with unlimited powers, was indispensably necessary to give constitutional existence to the State, and summonses were issued for this purpose.

This step being taken, it turned its attention to the internal and external security of the State. The European Spaniards had not taken learning from the exemplary chastisements we had inflicted upon them. More obstinate than ever, they confederated again for our destruction; the conspiracy was discovered, five of the traitors were executed, and their bodies exposed to public view, as a salutary warning to rash men.

1813.—This desperate plot originated in a criminal combination between the Spaniards resident in Buenos Ayres and Montevideo. Terrified by the siege of the last-mentioned place, and goaded by pride, upon Don Manuel Sarraza's withdrawing from the command, terminated that quarrel, which, the poisoned source of a thousand evils, prevented the complete reunion of the Oriental troops with the besieging army. The besieged, who always retained the hope of profiting by our discord, were filled with consternation by the defeat of this conspiracy. Ever obstinate, they repeated their sallies; but the besiegers, headed by Soler, Villarino, Terrado, Cruz, Ortiguena, and French, repelled them all.

The possession of Montevideo was important to the Spaniards in prosecuting their scheme of subjugating us. Availing themselves of their marine, they infested our coasts, and endeavored to recover in brutal inroads the reputation they had lost in regular campaigns. With the confidence their superiority inspired, they landed two hundred and fifty men in the vicinity of San

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Lorenzo. They speedily perceived that they had landed only to augment their misfortunes. Attacked by a force as inferior in numbers as superior to them in bravery, by General San Martin, who, contemning death, knew how to win the favor of inconstant fortune, they were completely routed.

This victory was soon followed by that gained by the arms of the country over the army of Tristan. This General, fortified in the city of Salta, perhaps hoped to repair his past misfortunes by future success in his criminal designs against his country. The conqueror of Tucuman sought him there with his army, filled with the enthusiasm liberty inspires. The signal for battle was given, and it continued for three hours and a half. The combatants availing themselves of all that genius, science, valor, nay even desperation, could contribute to victory, we at last gained the battle. In the heat of the fight Major General Diaz Velis was severely wounded, but not prizing so much a prolongation of his days as to risk for it the loss of the battle, he concealed his wound, and remained on the field until, his strength entirely failing him, he was forced to retire. In this action General Don Martin Rodriguez, and the *commandantes de division*, Donago, Saperi, Pico, Forest, Alvarez, Pedriel, Zelaga, Balcarce, Rodriguez, Arivalo, &c., were much distinguished. General Belgrano, being strongly urged by Tristan and his troops to set them at liberty, complied. This General, doubtless, thought it would be glorious to give freedom to men who had endeavored to enslave us, and that it would be impolitic to let slip an opportunity of conquering by clemency the hearts of those whose bodies his brave troops had by force subdued. For this, and other generous acts, they made a base return. Freed from captivity, they employed in seducing the people the time they ought to have devoted to proclaiming our generosity and manifesting their gratitude.

After the victory of Salta, the tyrant Goyeneche fled precipitately to Oruro, thus relieving from suffering Potosi, Charcas, Cochabamba, Santa Cruz de la Sierra, and other places. The fear this defeat inspired, caused him to supplicate General Belgrano for an armistice. The moderation of this officer, which no success could affect, induced him to grant it; but the perfidy of Goyeneche soon frustrated it.

Our country was now advanced by rapid strides to independence; we were led to think so from these victories, and principally because the National Assembly was organized and commenced its session on the 31st of January, 1813. This body thought it a glaring inconsistency for the nation to make such sacrifices for liberty, and still to shelter slavery in its bosom. The situation of the country not permitting this evil to be corrected at once, this assembly declared that, from the day of its creation, all children of slaves should be born free; and thus, in part, repairing the injury committed against nature, and immortalizing its birthday.

It did itself no less honor by the abolition of

tributo and *mita*, which were odious permissions to commit every species of crime, and the abolition of which had been decreed in 1811. These beneficent measures were no less politic than just. The Indians, whose services we needed, were thus conciliated.

The celebrated victory of Salta filled with surprise the Viceroy of Lima, and made him resort to the usual measures of alarmed despotism. The General Penzuela took the command of the army of Goyeneche, and, with a reinforcement, took up his headquarters at Oruro. Pezuela undoubtedly possessed military talents far superior to those of Goyeneche, and, if towns which had sworn to be free could have been subdued, he would have achieved the odious victory.

All measures preparatory to a battle between the opposing armies were taken. The victory gained, and the flame kindled by the spark of liberty in all parts, not even excepting Lima, presaged a happy issue to the patriots. But, perhaps, to give us lessons of moderation and prudence, the Almighty decreed that we should lose the battles of Vilcapugio and Hayouma. Upper Peru was thus snatched from our hands. Pezuela extended his conquests even to Jujuy and Salta, and the remnant of our army took shelter in its former place of refuge, Tucuman.

But this imprudent contest could not impede nature in her course. Our felicity was the offspring of reverses which corrected our inexperience. From this fatal moment a new enthusiasm for the country, and a new order of things gradually established, produced the happiest effects. The Cochabambinos, full of the fury desperation inspires, retired to Valle-Grande. Although one of the reverses incident to warfare had tried their fortitude, the victory of Florida, gained over a body of one thousand men, by General Warnes, in conjunction with his Cruceños, checked the daring march of our forces. The flame was rapidly communicated. The same Warnes marched to Chiquitos, where he shut himself up with the royal troops. General Camargo defended himself in Chayanta, destroyed several detached parties, and preserved the province from the detested yoke. Padilla established his headquarters at Yampamez, routed Tacon in many encounters, and changed the aspect of the enemy's affairs. The Indians made great exertions to prevent the yoke from which they had escaped from being again imposed upon them, and tasted the pure pleasures of liberty.

After garrisoning several places in Peru, Pezuela brought a force equal to what he left there to Jujuy and Salta. Parties of the inhabitants under the orders of the Captain Seravia, and of the advance under their commandante Guemez, after the droves of horses and provisions had been withdrawn to places inaccessible to the enemy, attacked them whenever they moved and wherever they were posted. Those of the enemy who imprudently left the main body of their forces were instantly made prisoners by our parties. Never was partisan warfare better conducted, and more successful. General Pezuela

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saw with bitterness his laurels wither, and, to escape the ruin with which a half-starved army menaced him, retreated, first, to his ancient posts, and then, filled with apprehension, retired to Peru to succor there the terrified royalists.

He misled some patriots by blandishments, places, and promises, but always, distrusting them, kept them in subaltern stations, although the importance of their services entitled them to the first offices. One of these, Don Saturnio Castro, a native of Salta, whose efforts had cost his country dear, felt his indignation redoubled when he cast his eyes upon his wounds, and, impelled by wounded self-love, hearkened to the salutary counsels of reason. In this state of mind, he determined to avenge his country himself, by a plot against the oppressors.

It was discovered, its author arrested, and condemned to death.

Pezuela was unnecessarily cruel and vindictive. Enthusiasm for the country daily gained ground. The city of Cuzco at least sundered its chains, and new Peruvian heroes espoused the cause. Pinelo, the *presbitero*, Dr. Munecas, the King's brigadier, Pumakagua, and Angulo, joined the patriots, and caused an almost general revolution in public opinion. The two first triumphed at La Paz, but their lives and those of their troops were more endangered after the victory than during the battle. The enthusiastic Spaniards conceived the project of burying them under the ruins of their laurels. These barbarians had familiarized themselves with every species of crime. They poisoned the springs, and formed two mines for the destruction of the patriots. Their foresight was not sufficient to apprise them of the horrors that environed them. One of these mines exploded, and the death of a hundred and fifty persons (some say three hundred) was the melancholy result of this treachery. The people, who could only think of taking vengeance for this last and worst of their atrocities, put to the sword all the Spaniards, with their Governor, Valdehoyos. In recompense for the risks they had incurred, these brave men deserved to be the arbiters of their fortune. But she is by nature a jilt, who denies her favors when most needed. Pinelo and Munecas left La Paz, and, uniting at Desaguadero, formed a body of eight hundred men, with which they opposed the troops of Pezuela, who marched in pursuit of them; battle was given, and the enemy was victorious, by reason of superiority of numbers.

The Indian Pumakagua marched upon Arequipa, that noble city which, stifling its feelings, was enslaved. With manly courage he quickly engaged an army of more than a thousand men, routed it, took prisoner its chief, Picoaga, the Governor, Moscozo, and Lavallo, who, being conducted to Cuzco, were put to death. More than two hundred Spaniards were sacrificed to a just indignation. The victor was compelled to march to Cuzco, by the defeat of Pinelo and Munecas. Ramirez, a name that will be eternally infamous, pursued the patriots furiously. The retreat of

Pumakagua left the passage to Arequipa open to the royalists, and afforded an opportunity to repeat the enormities perpetrated at La Paz.

Another of the Angulos had displayed his energy at Guamanga, routing four hundred Taleberinos, detached by the Viceroy of Lima; but the capture of Arequipa by Ramirez called his attention to Cuzco. This great city was a prey to disorder; nothing could support its wretched existence; there the three Angulos were beheaded, and their heads carried upon a pike to Sicuaniva.

A reform of the Government, reducing it to a single Director of the State, in the person of the citizen Don Gervasio Posadas, placed in the capital great obstacles to the vibrations of the passions. Titus Livius observes that Rome would have perished, if, from a premature love of liberty, it had in its infancy abolished regal power. The public authority was strengthened by the politic measure of trusting the affairs of the State to the activity of a single individual.

Our Oriental army rendered itself more respectable by a stroke which proved its vigilance and its firmness. The Spaniards of Montevideo, losing the hope of advancing their cause by open warfare, had recourse to assassination. A conspiracy of their agents was discovered in our camp, and the traitors sacrificed to the public security.

1814.—But this unfortunate discovery did not free the State from all peril, for in its bosom a storm was brewing, and ready to burst. General Artigas, that singular man, who united to extreme sensibility the appearance of coldness; a most insinuating urbanity to decent gravity; a daring frankness to courtesy; an exalted patriotism, to a fidelity at times suspicious; the language of peace, to a native inclination to discord; in fine, a lively love of independence, to most extravagant notions as to the mode of achieving it; this man, we say, disgusted with the Government, because it bestowed rewards upon those he expected to see chastised, had already sowed the seeds of civil war among the troops. His great ascendancy over the Orientals compelled them either to seek his amity or to tremble at his enmity. Those citizens who loved order, labored with zeal and dexterity to extinguish a flame menacing ruin to the State. This end appeared to be obtained by an Oriental Congress, which General Rondeau convened in the name of the Government, for the purpose of nominating deputies for a National Congress, and a provincial Governor. All was on the eve of being verified when General Artigas, as Chief of the Orientals, commanded, in the name of the same Government, that the electors should present themselves at his headquarters, in order to receive instructions from him. This proceeding, so strongly savoring of despotism, offended every one. The electors assembled in the chapel of Maciel, and fulfilled their trust. The real disposition of General Artigas then discovering itself, he annulled the Congress, thus assuming absolute power. But this daring measure had no effect upon what this body had done; the selection of

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deputies and a governor was celebrated in all the encampments, and the last named officer began to exercise his functions. General Artigas viewed these measures with a hatred lively as dissembled, and prepared to avenge himself. Under various pretexts he withdrew from his country, and at last, in the garb of a countryman, deserted his post, thus leaving exposed the right of our line. This rash proceeding made it apparent that he preferred his own interests to those of his country; but many officers, and others of the Orientals, did not follow this pernicious example.

It is not easy to conceive the terrible confusion into which this event threw the besiegers. Three times orders were given to raise the siege, and as often they were revoked, so great were the evils on each side; at last the encampments were abandoned, with incalculable loss and unutterable grief. The enemy, upon discovering this, were filled with surprise, though they did not abandon themselves to immoderate joy, because they feared it might be a feint; but the people, less cautious, hurried away by the desire to breathe fresh air, went in crowds without the walls. From proper foresight, the redoubts of our advanced parties had not been abandoned; French, officer of the day, ordered a most unexpected discharge of cannon, which made the enemy attribute to stratagem what resulted, in truth, from our weakness. The terror this created in the city prevented sallies being made.

This advantage, combined with the lucky arrival, on the same day, of supplies, and the consolatory information that a small squadron was equipping to transport a reinforcement, changed the appearance of things. The public mind was tranquilized; the fugitives returned in parties; the people of the vicinity tendered their assistance, and General Rondeau knew how to profit by these inestimable advantages; the siege was renewed more efficiently than it ever had been.

The Director, Posadas, viewed the desertion of General Artigas with a hatred carried beyond the bounds of prudence. Taking counsel from his anger, he thought that justice should take its course. By a solemn decree, he declared him infamous, deprived of his offices, and an outlaw, and incited the people to pursue him, as a duty they owed the country; in fine, believing that he could stifle rebellion in the blood of the rebel chief, he set a price upon his head, offering six thousand dollars to whoever would bring him in, alive or dead. Experience has shown that moderation would have been far wiser than this violence. The Director took a wrong course; whether Artigas was as guilty as he thought him, the reader can decide. But even if he was so, what other effect could impotent rigor produce, than contempt of authority and obstinacy in the delinquent? Even this was not all. The Orientals had enthroned Artigas in their hearts; as that which is abhorred is deemed always to be in the wrong, the very proofs upon which the Director founded his decree were, with the partisans of Artigas, so many evidences of his innocence. This proscription became that of a vast

district, and reconciliation almost impossible. God grant that we may not see this sad truth perpetuated!

The army of the capital and the naval force of the country were at this time considerably augmented. The troops demanded to be led to battle; the fleet panted to dispute with the enemy the command of the river; in short, the fortune of war gave us decisive successes. Two men, with all the talents required by the ends for which they were destined, the Secretary Larrea and Colonel Alvear, being substituted for General Rondeau, concerted the capture of Montevideo, and all obstacles yielded to their activity and the accuracy of their calculations. A naval battle, in which Brown commanded our ships, and defeated shamefully the Spaniards, who were stronger in vessels than we, made us masters of the port. To give the finishing stroke to their misfortunes, Montevideo shortly after yielded, notwithstanding a criminal correspondence between Vigodet and the patriot Torguez. Thus was despotism deprived of its stronghold.

Our Peruvian army was now commanded by General Rondeau, who, having sustained with credit the siege of Montevideo, had not the glory of triumphing over it. The Government transferred the command of this army from him to the conqueror of Montevideo. It is certain that Alvear united all the qualities of a warrior, and possessed a military experience, which he owed more to genius than to years. But this change of command was viewed by the chief of this army as the measure of a policy without forethought, and an ambition without limit. Something further contributed to render it odious, and this was the alarming suspicion that the country was about to be shamefully betrayed by treachery. This suspicion was countenanced by the anticipated mission of Don Ventura Vasquez, confidential officer of the Government, to place in the hands of Pezuela certain letters; his exclusive nomination to treat with this enemy; the sending commissioners to the Spanish Court; and the appointment of new officers in this army. The public mind was thus distracted with doubts and apprehensions, when General Rondeau abdicated the command; notwithstanding which, his subalterns coalesced, the regiments confederated, and Alvear was not admitted.

This event was foreseen. A general disgust portended and precipitated it. It has often happened that people have refused to submit to despotism, and not known how to use liberty. The General, thus rejected by the army, returned to the capital, and was created Director. This impolitic act challenged hatred where there was already sufficient to incite to vengeance.

This election caused an almost universal murmur, which presaged important movements. The reasons assigned in justification of this dissatisfaction were, that the army of Peru not being able to obey as Supreme Director one whom they had refused to recognise as their chief, all the terrible effects of anarchy were about to be experienced; that the capital and other parts of the

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country felt too much animosity against the party to which the Director owed his elevation, to recognise him without discontent; and that, under protection of the army of Peru and General Artigas, they might dissolve an assembly disgraced by intrigue, in their opinion, and prostrate an idol to which the tongue paid homage, the heart disavowed; in fine, that the recollection of those acts by which the province deemed themselves outraged, might induce them to push resentment further than they ought.

These apprehensions were, in a great measure, realized. The army of Peru refused obedience to the new Director. Cordova, listening more to anger than to prudence, preferred danger to ignominy, and withdrew from its connexion with the capital. Santa Fe, counting more upon its courage than strength, adhered to the system of independence it had adopted since the troops of Artigas had invaded it.

The situation of the army of Peru was critical and dangerous. The anxiety which began to prevail as to the consequences of these dissensions; desertion veiled under the shadow of a new Government; succors withdrawn; in fine, the unfortunate action of Tejar, multiplied cares, and alarmed the imagination. Nevertheless, General Rondeau did not lose his natural equanimity. He knew how to make the discontented hearken to reason, and to give a favorable beginning to an enterprise. Putting his army in motion, he opened an entrance into Peru, by the victories of Puesto Grande and Mochara.

1815.—The new Director perceived the cloud that had gathered over his head, and hastened to use all expedients in his power to avert it. Convinced that hope and fear are the great exciting principles of human actions, he endeavored to operate upon the first by rewards, upon the other by chastisements. These instruments failed in his hands. The tragical death of the unfortunate Ubeda, on one of the most solemn days of worship, caused less terror than indignation; and the triumph over the Cabildo of the capital, by compelling it to subscribe an odious proclamation against General Artigas, served only to make it resolve to prolong its existence in spite of this usage.

On the eve of a political disorganization the Director marched the veteran troops to subject the towns to a detested yoke. But the chief of the vanguard, Don Ignacia Alvarez, with three hundred and fifty men under his command, ashamed of being the instrument of his exaltation and vengeance, declared in favor of those he was sent to attack, and arrested the suspected officers, among whom was General Viana, who came to take the command. He encamped, and was joined by several detachments from Mendoza. The Director, surrounded in his encampment, put into play whatever could contribute to save him in so critical a situation, but in vain; for fortune had determined to put an end to his glory and prosperity. The Cabildo of Buenos Ayres, instructed by Alvarez, and called by general acclamation to the command, assumed it.

The civicos, with many officers of distinction, rallied around it as its protectors. So many obstacles filled the Director with despair. At last he yielded, and, cast out of his country, was forced to beg an asylum in a foreign land. This cable being broken, the national assembly, with its system of favoritism and peculation, was involved in ruin. All, even the Orientals, irreconcilable enemies of the capital, applauded a success which appeared to be the beginning of order.

In order to give a successor to the deposed Director, a body of electors was constituted, who chose General Rondeau chief of the army of Peru, and named as his deputy Colonel Alvarez, who took the lead in the recent subversion of Alvear's authority.

His election would not have secured the public tranquillity if the causes which disturbed it had not been removed. It was perceived that heretofore the Executive, availing itself of the distractions or patience of the people, had gradually rendered itself absolute. Reason required that this power should be balanced by another. Therefore, a provisional statute was formed, and a Junta of Observation erected, to watch the punctual fulfilment of this law, to cry out against the least infraction, and to resist everything prejudicial to the general good. It was to be regretted that this statute gave more liberty than was compatible with the public good; but we had just escaped from one of those cruel situations in which the excesses of oppression prevent us from seeing those of its relief. A system of distrust and restriction made authority a mere political skeleton. We shall see the disorders which arose in consequence.

One of the earliest advantages expected to result from this new order of things was the re-establishment of that fraternal union with the Orientals, the rupture of which had cost the country so many tears. The Cabildo of Buenos Ayres, regarding with indignation the proclamation Alvear had extorted from them, commanded it to be burned by the common executioner in the Plaza de Victoria. The Government also substituted moderation for the ancient system; and if the Orientals, with their chief, had been capable of perceiving the greatest enemy of the country and themselves to be anarchy, doubtless a reconciliation would have been effected. But experience has shown that they had determined to bury themselves in an abyss of evils rather than yield. Without doubt, too, General Artigas believed that a calm would diminish the authority with which he had been invested in tempestuous times.

The Government, fearful of seeing civil war propagated in the centre of the neighboring provinces, marched troops to Santa Fe, under the command of Don Juan Jose Viamont. This city was a key with which General Artigas opened at pleasure the door to his seditious communications. In order to remove the distrust, and to prevent the opposition of those in the vicinity of this city, the deputy Director promised them perfect liberty, and that the troops should not meddle

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with their domestic affairs. The death of the Governor, Candioti, produced much disorder. Contradictory pretensions, well or ill-founded, acrimonious debates, stratagems inseparable from party, all attended the selection of the Lieutenant Governor, Don Juan Francisco Tarragona. The city of Santa Fe was much incensed at this appointment. What resulted from it will be seen.

Grieved at the melancholy posture of affairs in this section of the country, we were consoled by pleasing prospects in Peru; we will give briefly the principal ideas of General Rondeau's manifestos. Pezuela, filled with consternation, abandoned his positions, and retreated to the neighborhood of Oruro. The desertion of his soldiers, and the difficulty of subsisting those that remained, announced his weakness. Our troops improved in numbers, in arms, and discipline. The insurrection of La Costa by Penaranda and Reyes; the approach of Dr. Munecas; the state of fermentation in which all the provinces were; the aids on their march from the capital—all indicated a prosperous warfare.

It was necessary that the chance of arms should be sometimes inconstant as the throw of dice, to give the melancholy shading of misfortune to this picture. Our reverses commenced with the battle of Venta y Media, where a party of the enemy, attacking Brigadier Rodriguez, were, most unexpectedly, successful. This event seemed to give its character and color to the succeeding ones. The active Pezuela fell upon our army with the rapidity of lightning. To avoid the encounter, General Rondeau removed his camp to a rocky situation, remote from Cochabamba. Here the enemy sought him, filled with the boldness success inspires. Battle being inevitable, Rondeau took post at Sipsisipi, forming a camp according to military rules. Hostilities commenced. The enemy would not have had much cause for boasting, if fortune, which a general cannot command, had not favored his cause. His left wing outflanked, his right wing almost routed, his centre almost destroyed by our artillery; such, said Rondeau, was the state of the battle, when a series of inauspicious occurrences gave the victory to the foe, and deprived us of glory and of hope.

The victory of Sipsisipi, by turning the brain of Pezuela, advanced the cause of liberty. Our situation was not so disastrous as that of the United Provinces of Holland, when they caused themselves to be represented under the image of a ship, without sails and without rudder, at the mercy of the waves, with this Latin inscription, *incertum quo fata ferant*. General Rondeau placed his headquarters at Tupiza, with the remnant of his army, and endeavored to reorganize it. Our Government, as if foreseeing the unfortunate issue of the battle, had sent forward troops, arms, and munitions; nor were the towns of the Union, at this distressful period, backward in extending assistance. The brave Camargo, La Medria, Padilla, Warnes, and Munecas, by rapid incursions, showed that the cause of liberty would prevail in spite of our misfortunes.

The accession of strength our cause seemed to gain, even by reverses, ought to have made Pezuela see that his hopes of re-establishing despotism were chimerical; but he still cherished the delusion. He displayed his inhumanity by atrocious violations of his prisoners' rights, appearing to think that to become a rebel was to cease to be a man, and to forfeit all claims to justice and to compassion. Even that sex* regarded with some respect by the most abandoned, was not exempt from his rage. Many women, among them the most circumspect matrons, were banished, or immured in dungeons.

The dangers which menaced the political existence of the country demanded an Executive sufficiently energetic to maintain order and to triumph over the enemy. Unfortunately, the provisional statute had too much curtailed the Executive power. It was embarrassed by so many restrictions as to be prevented often from availing itself of circumstances upon which success depends, and which must be seized the instant they present themselves, or the opportunity is forever lost. In a situation so critical, the *Director Suplente* appealed to the sovereign people, and asked for a reform of the constitution. The capital, always docile and provident, when not misled by designing men, actuated by that prudence which dictates pacific measures, approved the proposed change, and by direct vote appointed reformers of the constitution.

One of the most urgent objects which claimed the attention of Government was the city of Santa Fe. The disgust with which this city saw itself governed by a lieutenant governor it abhorred, the exile of many reputable citizens, the suggestions of the Oriental chief, all conduced to some violent measure. The inhabitants rising in mass under the citizen Don Mericana Vera, and aided by the troops of Baxada, civil war commenced. General Viamont was attacked by the disaffected with all the fury that marks insurrections, and, after bloody contests, capitulated. We know not why the capitulation was not fulfilled. Cordova adhered to its system of independence. La Rioja imitated its example, and the other cities became more or less anarchical.

1816.—All desired a tutelary power, which, being the creature of the people, should be energetic enough to render the laws respected. This authority could only be derived from representatives of the people. The people, convinced of the necessity of the change, elected them, and a sovereign Congress was opened at Tucuman on the 25th March, 1816. Its principal care was to select a Director who would draw closely the cord of union, and direct the efforts of all to their dar-

* Among many others, Dona Antonio Paredes, Dona Justa Varela, Dona Felipa Barrientes, ladies of the age of nineteen; Dona Teresa Bustos, the two sisters Malarias, and Dona Barbara Cevallos, were imprisoned; Dona Teresa perished in prison; Dona Barbara was banished to Oruro, being forced to abandon nine infant children; the Malarias were also banished.

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ling object—*independence*. Don Juan Martin Pueyrredon was chosen director.

With many, the most desirable object was to obtain a moment of calm, during which the supreme authority might be assigned to able hands. It was, however, at the very moment that the National Congress was deliberating on this matter that the tempest was heard to roar with the most violence.

In consequence of the resignation of the directorship *ad interim* by Colonel Alvarez, the Junta of Observation, in conjunction with the Cabildo of the capital, elevated Brigadier General Antonia Balcarce to that station as his successor. This remedy was momentary. The measure was by no means in consonance with the wishes of the people; and, by a kind of fatality which often presides over events, it was not long before an explosion was produced among materials so well prepared. The electors and elected were soon discovered figuring together on the theatre of discord.

In the meanwhile, the new Director *ad interim* used every exertion to destroy the seeds of discord, which had already produced so much ill blood between the Orientals and the capital, and to render all parties sensible of the advantages of living under the same law. Although the first attempt made by him for this laudable purpose promised a favorable result, every means were found in the end unavailing to bring about a reconciliation.

This discord had been propagated in the manner of a contagion; and the remedies applied to restrain its devastations were found to possess no efficacy. The city of Santa Fe,* although just escaped from a bloody contest, and threatened by dangers of a more serious nature, still pursued its peculiar ideas of independence, with what may more properly be called obstinacy than constancy.

Cordova, always devoted to the maxims of federalism, notwithstanding her having sent deputies to the General Congress, considered her absolute submission to the capital as unworthy a free people, and still cherished the idea of this submission being temporary.

The other provinces, according to their respective situations and characters, expressed more or less their dislike to what they considered a species of subjection.

The causes of this political phenomenon, if sought for, will not be difficult to be found. The opinion most prevalent in the provinces was decidedly in favor of the federative system, and which they were desirous of seeing realized, even in anticipation of all the essential and first objects of their new career. It had been the darling wish of the provinces, almost from the commencement of the revolution; one which had still greater charms for them, since they had seen it realized with so much glory, in the United States of North America. For the present, however, the governments, the capital, and not a few of

the more intelligent citizens, were opposed to this idea. Each of these parties supported its opinion by weighty reasons. From the statement of those I am about to make, the enlightened reader may judge between them.

Those in favor of the Government already established were of opinion that the federative system could not be legally substituted until sanctioned by a general Congress; assuming it as a principle that the constitution of a State should receive its existence from the hands of the nation itself, and not from partial concurrence and unconnected acts; that, when the nation first regained its liberty, and all the provinces were united under the same Government, the present was the form which they adopted, and under this form it was that the existence of the Republic had been preserved in the midst of the most trying disasters; that, until all the provinces could be again united—a thing by no means hopeless—it would be improper to deviate further than was absolutely unavoidable from what had before existed; and that, at all events, if the preponderance of the capital was an evil, it was one which would soon be corrected, when the preponderance ceased to be necessary to the common safety. Further reasons, derived from views of policy, were added. According to the federative system, said they, each State is sovereign and independent as respects the rest; each may possess, and in reality does possess, separate interests; it is therefore to be feared that each will rather seek what it may conceive to be its own interest than the interest which is common to all, and, in consequence of this egotism and misplaced jealousy, be involved in a common ruin; that, in the midst of the alarming dangers which threaten this newborn State, the necessity of a complete union of all the parts, under the guidance of one head, for the better concentration and direction of its forces, is dictated by the plainest maxims of prudence; and where, it was asked, can this be placed with more propriety than in the capital, where the revolution itself received its origin, whence every great effort in the general cause has emanated, and which, from its position, its enterprise, and intelligence, is enabled to manage the common concerns of the nation, for the present at least, to the greatest possible advantage? The first thing to be done, continued they, is to place our independence out of danger; let this be accomplished before we disagree about the manner of using it. They further insisted that it was not altogether safe to confide in the example of the United States of North America, which had always been educated in republican virtues, and to which we were not to be compared, reared as we have been under the rod of despotism; and that it would be unwise to trust the fate of the nation, in such dangerous times, to virtues which had not yet been sufficiently put to the trial; that it would be most prudent to leave to time and education, under the influence of a free Government, to produce the same character of enlightened patriotism. Those of the federal party contended on different principles.

* General Diaz Velis, with a body of troops, was besieged at San Nicolas.

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They admitted that the Government of Buenos Ayres, the capital of the former viceroyalty, had been the first to shake off the Spanish yoke, and by its influence had induced the provinces to follow its example. At the same time they alleged the repeated protestations on the part of this Government that its preponderance should be but momentary; that a general Congress should be convened without delay, for the purpose of fixing the General Government on a permanent basis. It was by these protestations that the provinces had been induced to enter into the views of the capital, and to place their resources at its disposal; they complained that so long a time had elapsed without performing this engagement; that their situation thus far was but little different from that under the Spanish monarchy; that they had obtained but little more than a change of masters. They did not deny the difficulty of calling a National Congress during the stormy period of the revolution, but said that, in default of a Congress, the General Government of the capital ought to have ceased, and the provinces ceased to be swayed by it, seeing that the general voice was in favor of the federative system. Far from being inadequate to the exigencies of the times and the objects of the revolution, they asserted that the individual acts of the provinces had contributed most to raise the character of the Republic, and to advance the general cause. If our dissensions, said they, have caused us discredit with foreign nations, it is to be attributed to the clashing of the government of the capital with the feelings and wishes of the provinces; that, as there can be no effect without a cause, the federative system, by putting an end to these odious rivalries and jealousies, would prevent the recurrence of scenes so disgraceful. It is true, said they, the tumultuous proceedings of the capital had generally sprung from other causes, chiefly from the inordinate thirst for office in many of its inhabitants, the ambitious turning to their advantage, even the extreme jealousy of their liberties on the part of the people. Was it just, it was asked, that the provinces should be compelled to follow these frequent and capricious changes, in which they took no part? But would not these evils have long since ceased with the establishment of the federative system? What temptations could there be to seduce the aspiring in the limited and definite powers which the federative system would present? On the contrary, what could be more tempting to the ambitious than a system which enabled those in power to be the masters and arbiters of the Republic—one which would enable them to prefer their flatterers, and favorites, and those who were neither, but merely happened to be about them, to able and meritorious citizens; and to consult their private wishes more than the public good? They alleged that, in fact, the capital had thus far paid much more attention to its own peculiar interests than to the rights of the provinces; that she had gratified the ambition and avarice of many in the provinces, in order, by enlisting the human frailties and passions on her side, to sow the seeds of

discord and disunion in other parts of the Confederacy, these persons engaging to repress the sentiments of the people, and draw them into a subordination which accorded only with their interested views. When these things, said they, are impartially considered, how can we draw closer the cords of union under a Government like the present, which, by its oppressions as well as by its favors, weakens that love of country which the federative system has a tendency to foster—a system which, at the same time that it leaves the citizen in the full enjoyment of that portion of liberty which the good of society does not require him to surrender, imparts enough for all the purposes of the general safety and happiness? But let it not be said, continued they, that there are no republican virtues amongst us. To what else is to be attributed the noble resolution we have taken, and which we have sanctioned by our oaths, to die rather than not live free and independent? To what else that energetic and heroic resistance which has given so many days of glory to our country? And even if it be admitted that we do not possess those virtues, are they to be inculcated by the example of a Government which teaches nothing but selfishness and corruption?

Thus reasoned the opposite parties. With respect to our own opinion, we should say, that from the impossibility of attaining this end without encountering the evils of anarchy and perhaps civil war, on account of the preponderating influence of the capital, it was perhaps the wisest course on the part of the provinces to make a sacrifice for the present of their obedience to that unity of action, without which our ultimate success must be doubtful. It is to be expected that our enemies will labor without ceasing to regain their lost domination, and, flattered by our dissensions, they will be continually engaged in forming new projects to enslave us, lured by the hope that we shall be able to bring forward but feeble and divided efforts in support of our liberties. I have thus traced without dissimulation the melancholy picture of our domestic discords.

A number of citizens of Buenos Ayres, touched with the unfortunate antipathy of the provinces to join heartily in the cause of their common country, and fearing that our dissensions would form a bridge over which the enemy might pass to reduce us to subjection, united their wishes, and honestly confessing that the balance of public opinion inclined to federalism, petitioned the governor intendant of the province to strip Buenos Ayres of its prerogative, and to place it on the same footing with the other provinces. They believed that this measure would put an end to their irritated jealousies, that a fraternal feeling would succeed, enabling them to complete the edifice which they had so gloriously begun. In an affair of so much importance, the Intendant, in order to ascertain with accuracy the sentiments of the people, decreed that the petition be taken into consideration in a general assembly or *Cabildo* to be convened for the purpose, and one was accordingly ordered to meet on the 19th

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of June, 1816. This unexpected event lighted up anew the imperfectly extinguished fire of discord. The Junta of Observation, although agreeing in opinion with the Intendant as to the propriety of taking the sense of the people, were not satisfied that this should be done by general suffrage; from apprehension of dangerous* and tumultuous agitations, they thought it would be more advisable to ascertain their will through deputies elected for the purpose. This contrariety of opinion fractured the State into parties, whose disputes were conducted with so much heat and violence that it was seriously feared they would not stop short of an appeal to arms. Had this subject been considered unmixed with private and personal feelings, it would scarcely have given rise to a difference in thinking.

This contest, although suffered to remain *in statu quo*, left the minds of the parties too much ulcerated to permit them to settle down in peace and harmony. It was at the same time so far aggravated by another dispute, that the Junta of Observation, in concert with the Cabildo, assuming the tone of authority, proceeded to depose the Director *ad interim*. In his place was substituted a gubernatorial commission, composed of Don Francisco Antonio Escalada and Don Miguel Iregogen.

While these things were taking place, the troops of Buenos Ayres, under the command of Colonel Don Eustacio Diaz Velis, were approaching the city of Santa Fe, while at the same time a small squadron of vessels under the command of Colonel Don M. Iregogen placed it under blockade. The arms of these two cities rivalled each other in intrepidity and courage. It would be uncandid to conceal the admiration we feel in beholding a small town like Santa Fe, without disciplined troops, and with little assistance, causing itself to be respected by its enemy, and under the direction of its chief, supporting the cause of its independence. It is true, the Santafécinios abandoned their city, believing that they carried it along with them wherever they could live free. It was not long before they besieged their invaders themselves, and caused them to experience the sufferings of famine; and by a lucky accident having made themselves masters of several of their enemy's vessels, together with the commander of the squadron, there appeared but little likelihood of their being about to succumb to their invaders.

Two important occurrences which had taken place in the city of Tucuman, were of a nature to divert the current of dissension. The first was the election to the supreme directorship of Colonel Don Juan Martin Pueyrredon; but the exigencies of the war claimed the first attention of the Director, the cities of Salta and Jujuy being menaced by the enemy; this of course delayed his return to the capital.

The other was the solemn declaration of our

independence made by Congress on the memorable 9th of July, 1816. Six years had elapsed since that dark period when we were regarded in no other light than as a flock tamely obedient to the will of its owner; in which we quietly looked on while strangers directed the economy of our house; in which our own hands were employed to erect fortresses intended to enslave us. Six years of the most profound and universal interest, felt, I might almost say, even by the infant in the mother's arms, had awakened a crowd of new ideas throughout all classes of society, and inspired a general wish to rise to that condition which nature herself seemed to designate. These provinces, ashamed of having so long delayed to declare this emancipation, raised at last the sublime acclamation of liberty.

It was thought sufficiently probable that those important occurrences would have quieted the provinces, and convinced them of the necessity of a well organized whole. Unfortunately this was not the case. "From Cordova," said the Director, in his manifesto, "with what painful anxiety did I cast my eyes towards the agitated province of Buenos Ayres!" And not without cause; for, in going to enter upon his government, he was about to place himself upon the top of a volcanic mountain. It was, notwithstanding, his good fortune to succeed in conquering the antipathies of his most inveterate enemies. Would to God he had been equally successful in finding the means of restoring perfect tranquillity to the State! The wild and ungovernable Orientals and Santafécinios still, however, persisted in this restless and inconsiderate course. Over and above the numerous causes which rendered their rupture so calamitous, others followed of a nature to render them more lasting. The Court of Brazil, about this time, raised the mask which had hitherto concealed the perfidious project it had long since formed of taking possession of the delightful countries on the eastern side of the river.

The Court of Brazil had already made frequent attempts to obtain this territory, which, for more than a hundred years, it had coveted with so much greediness, but was as often compelled to abandon its prey, until our lamentable dissension at last seemed to guaranty the success of an invasion. The Director seized this opportunity to revive with General Artigas that ancient friendship whose combined force had, on former occasions, frustrated the shameful designs of the Portuguese. A deputy was despatched to him, carrying a supply of arms and munitions of war, and requesting him to state with frankness what were his wants; that these should be the measure of the aid to be furnished. But to speak of reconciliation with Artigas was to speak to the desert. His obduracy could neither be softened by concession, nor his pride be humbled by dangers. Although he received the donations, he heard the proposals with displeasure; preferring that history should accuse him of having sacrificed the occasion to his private hatred, his duties to his caprice, and his country to his interests.

With respect to the Santafécinios, the Director

* Two petitions were presented, one with one hundred and one signatures, the other with one hundred and ten.

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was not more actuated by a desire to prevent the disagreeable consequences of this city remaining in a state distinct and separate from all the other members of the republic, than anxious to place the forces under General Diaz Velis in security; with this view he despatched deputies with propositions highly advantageous to them, and which ought to have sufficed for the restoration of the ancient harmony and brotherhood. Before their arrival at Santa Fe, our army had already evacuated the place, and descended the river. The late invasion was by no means calculated to dispose their minds to reconciliation; and, even if the Santafecinos had given this proof of their love of order, it is probable they would soon have repented of an act which would have lessened them in the estimation of their protector, General Artigas; however this may be, the negotiation terminated without effect.

Although the city of Cordova, with her deputies in Congress, and submitting to the capital, inclined to the side of the Orientals and Santafecinos, her character would not permit her to abandon the last of these in the period of adversity; the dangers which threatened her neighbor served but to draw more closely the ties of amity, and which increased in proportion to the risk she encountered. A body of Cordovians, to the number of four hundred, under the command of Don Juan Pablo Bulnes, hastened as far as the city of Del Rosario in the aid of the Santafecinos, but, finding no enemies, they returned home without any material occurrence.

The expedition of Bulnes was not undertaken with the approbation of the Governor of Cordova, Colonel Don José Dias; not because this officer was not inclined to the side of the Santafecinos and the cause of federalism, but because it suited the political course he had resolved to follow to give merely a negative consent; or, perhaps, seeing Bulnes at the head of a more considerable force than he himself could command, he did not think it prudent to oppose him. Be this as it may, it laid the foundation of a reciprocal animosity as indiscreet as badly intended. While Bulnes was on his return to Cordova, Dias was collecting a force to receive him. He was fearful that his rival might entertain the intention of deposing him, and placing himself at the head of the Government. These two bodies were in a little while arrayed against each other; and after acting a military farce—a few shot fired in the air—Bulnes was left in possession of the field of battle, and entered the city in triumph.

These agitations and disorders were in direct violation of the public authority. They proceeded from an active force, supported by the opinion which was most prevalent; in their consequences they were to be dreaded, both for the present and the future, as exhibiting the most dangerous examples. The rights claimed by the Government and the Congress were weighed in distinct scales from their own. The only remedy which the Congress could apply to these evils was in appealing to the good sense of the people. A manifesto was published, breathing, in eloquent lan-

guage, the sentiment of love of country, lamenting and severely censuring the public disorders, thundering anathemas against the disturbers of the public repose, and exhorting all to obedience and submission to the supreme authority, which had only for its object to secure the safety and happiness of the Republic. As might have been expected, little impression was produced by this publication among a people who considered themselves as betrayed when denied the form of government which they preferred. In fact, they regarded the manifesto like one of those autumnal clouds which lighten much, but bring them no rain.

A more successful measure was adopted with respect to the province of Cordova, which was the placing its government in the hand of Don Antonio Funes, (brother of the author of this sketch,) a native and inhabitant of the city of Cordova. This appointment, whether considered with a view to the capacity and virtues of the individual, or the prudence of the choice, was worthy of applause. He was a citizen who possessed talents by no means vulgar; of a mind refined by application to belles-lettres, and elevated by the study of the sciences, he was regarded as an honor to literature. A man of unusual nerve, of a character severe without austerity, more a lover of virtue than of his fortune, of his family, or of his life. Exemplary in the fulfilment of his social duties, his house wore the appearance of a sanctuary to which the unfortunate might resort for comfort and protection. From his politics, dark intrigues, cunning management, and all perfidious practices were excluded. A noble frankness characterized his deportment; detesting artifice, yet prudent and cautious in his speech, and in all times a friend of social order. Our revolution, on which justice had set her seal, could not fail to draw him to its side; he embraced its cause with sincerity, and propagated it with discretion; but the unsettled state of things which succeeded had induced him to bury himself in a retirement where, without being exposed to the clashing of contending parties, he might pursue the stoical severity of his life, and indulge his passion for literary pursuits. With a firmness superior to the reverses of fortune, he supported without murmuring the loss of nearly all that he possessed,* his credits to a great amount, and what was more severe, of two promising sons in the flower of youth, when the National Congress cast its eyes upon him as the most suitable person to oppose the torrent of disorders of which Cordova had become the theatre.

To a common mind, the situation in which the Governor was placed would have presented almost insuperable difficulties, the city of Cordova being occupied by Bulnes, his son-in-law; and, in the very first step he would have to take, it would be necessary that he should be armed with a

* This estimable man happened to possess property to a large amount in Peru, which, on the breaking out of the revolution, was confiscated by the royalists.—*Translator.*

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severity which knows no relationship but that of reason and the law. In the course of the revolution he had not declared himself in favor of any of the forms of government which this republic might think proper to adopt. His opinion was in favor of that which the will of the nation, solemnly expressed in Congress, should sanction; and until this could be known, he thought that no one, without violating the laws of order and just subordination, could forcibly resist the established authorities. In opposition to these sentiments, Bulnes made a show of force before his eyes, and his conduct gave few or no indications of a sense of honor, respect, or deference. The Governor prudently concealed his determination until he should be supported by a sufficient force to enable him to carry it into effect. It was not long before a body of veteran troops, under the command of Colonel Sayos, came down from Tucuman to his assistance. Bulnes had the arrogance to take the field against him, but Sayos, in the presence of the Governor himself, completely routed his forces, and put him to flight. A common mind would have been pleased with a flight which would have spared the painful conflict between the ties of relationship and the demands of justice. But this was a case calculated only to call forth the firmness and energy of the new Governor. He caused a diligent pursuit to be made, until, placed in his power, he should be delivered over to all the severity of the law. The fortitude required by such occasions allows of no mixture of human weakness; and, as a celebrated orator has justly said, the magistrate who is not a hero scarcely deserves to be regarded as an honest man. The province for the present remained tranquil, and the cause of Bulnes was subjected to the legal forms by order of the Congress.

From the volcanic eruptions of the provinces, which about this time happily became less frequent, let us direct our attention to exterior affairs. The policy of assailing the enemy's commerce was found to operate as a powerful aid to our cause, and was about this time carried on with great success. The enemy's ports in the Pacific were greatly harassed by the flotilla under Commodore Brown. Nothing could more fully prove the state of subjection to which the people were reduced by Spanish tyranny; under its vile domination it seemed as if all the springs of the mind had been destroyed, and, instead of national feeling, there existed nothing but sordid personal interest. Near the isle of Ormigas, Brown captured five prizes; he dared even to brave the castles of the port of Callao, and to defy the Spanish armed ships. He found the port of Guayaquil in a still greater state of abandonment; here he entered in triumph, and carried off property to the amount of seven hundred thousand dollars.

While the Viceroy of Lima was thus harassed by sea, his armies in Peru and Salta experienced an almost uninterrupted series of disasters. Col. Don Manuel Asensio Padilla sustained with much glory the standard of our country against the in-

human facon. The valor and patriotism of this officer had attached to his person a considerable number of patriots, into whom he inspired confidence, activity, and courage. In order to throw some obstacles in the way of his triumphs, a body of about one thousand men was ordered to march towards Laguna. Here they were expected by Padilla, who had instructed the defence of various posts to his captains, and one of them (which may sound somewhat singular to the reader) to the command of his wife, a very extraordinary woman, Doña Juana Azunduy. The enemy was completely repulsed after having made a furious assault, and this heroic female had the satisfaction of presenting to her husband the banner of the enemy, which she had taken with her own hands.* Padilla did not go to sleep beneath his laurels; without giving time to the enemy to collect his forces, he pursued them in every direction, and shut what remained of them in the town of Chuquisaca. Scarcely less glorious was the victory of Warnes, who destroyed another body of nearly one thousand men, commanded by Facon in person.

The perils of the war in the district of Jujuy and Salta drew from the inhabitants proofs of heroism, in support of their independence, equal to what was exhibited in declaring it. General Guemes, formidable alike for his constancy and valor, continually presented a threatening front to Pscuela, and by his activity deprived him of his conquests as fast as they were made. Abandoning Jujuy precipitately, Pescuela encountered losses of considerable moment. The guerrillas, led by Don Augustin Ribera, Don Diego Calla, Don Diego Tallangiana, Don Justo Ganzalis, Don José Miguel Valdiviesa, Don Francisco Guerreros, and Don Francisco Briondo, contributed much to diminish his credit and the weight of his authority.

1817.—These advantages in some measure made amends for the mortification of seeing the troops of Portugal in the territory of the State. From the time it was known that the Prince Regent of Portugal had raised the colonies of Brazil to the pre-eminence of metropolis, it was strongly suspected that he would attempt to aggrandize himself by the occupation of these countries. The powerful temptations which had continually attracted the Portuguese towards our territories had almost become one of the fixed principles of their policy; it was, therefore, not surprising that they should profit by an opportunity which seemed the most favorable for the gratification of their ambition. But as mere ambition furnishes no justification for the invasion of the territory of other nations, the Director considered it as his duty to remonstrate with General Lecor, commander of the Portuguese forces, on the step he

* This was the celebrated banner under which the enemy had reconquered La Paz, Peru, Arequipa, and Cuzco, and on which account it was distinguished by magnificent embroidery. For this action, the lady was rewarded by the State with the commission and emolument of Lieutenant Colonel.

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was about to take, and to warn him of the consequences of the aggression. At the same time that he took this step, he communicated it to General Artigas and the Cabildo of Montevideo, requesting that at this moment of common danger, which required the combination of all their forces, their differences might be forgotten; and, in order to fix upon the principles of reconciliation, he deputed with full powers the Mealdes Don Juan José Durar and Don Juan Giro. In the preliminary conferences which took place, the errors of discord and the benefits of harmony between the two countries were represented in the most animated terms; and it was finally agreed that the eastern shore (Banda Oriental) should acknowledge the sovereignty of Congress and the authority of the Supreme Director of the State; that members in proportion to its population should be sent; and that the Government should promptly furnish what assistance was necessary for its defence.

The joy produced by this event, which, in putting an end to the unhappy disputes that divided the country, appeared to restore its pristine strength and glory, was celebrated with pomp and magnificence. At the very moment, however, when the people were engaged in giving vent to their feelings, which were excited to a degree that might almost be considered immoderate, information was received that the Orientals had refused to ratify the convention, no doubt influenced by their chief. Artigas considering the natural tendency of the connexion and dependence of the eastern shore as destructive to the absolute sway which he had so long been accustomed to exercise, in his conception, the dangers and devastations of a war with the Portuguese were to be preferred to the influence of the capital.

The reprimand of the Supreme Director with General Lecor did not produce the effect on his mind which it merited. This chief contented himself with declaring that, in order to place the Portuguese frontier out of danger from the contagion of anarchy which threatened it, it had become necessary to take possession of a country which, in becoming independent, had given itself up to every species of disorder and misrule. The futility of this pretext was fully exposed by the Director in his subsequent official letters, and also by the eloquent editor of the Ministerial Gazette, Don Julian Albanes. Nothing can be added to the force of their reasonings. Taking it for granted that a sovereign has a right to interfere in the domestic quarrels of his neighbors, whenever he may think them of a nature to disturb the tranquillity of his own States, yet it is an undoubted principle of the law of nations that he should first make suitable representations to the party offending, before actually resorting to the use of force. To occupy a country by force under the mask of peace, can only be learned in the school of Machiavel. There is certainly some difference between acting the part of a sentinel to watch for the preservation of self, and thus intruding into the country of another, *hospite insalutato*, with

no object in reality but that of conquest. The dispute of the Orientals and the capital was a family quarrel, but a quarrel which had not dissolved the ties of the first with the nation. These people, as well by their own will as by the constitution of the State, were integral parts of the American Confederation. Common decency, not less than respect for the laws of nations, would have forbidden this resort to violence, before all the proper measures had been taken, without effect, to place in a state of security the nation which declared itself in danger; otherwise, the world would be continually exposed to become the prey of the first occupant who could support his cause by force. Like the ambitious Portuguese, there would never be wanting a pretext for invasion.

The management of the war, together with the other important cares of government, rendered it desirable that the Congress and the Directors should be nearer each other, in order, by their combined wisdom, to conduct the affairs of the State with greater promptitude and judgment. Its removal to the capital was, however, a step of no small danger. The sound of discord was still heard like the hollow murmuring of the waters after the tempest has subsided. It was much to be feared, in the agitations which might ensue, that this national assembly, which was considered by many of the friends of order as the last resort, would, like the similar attempts formerly made, prove abortive. Besides this, the provinces were desirous that the Congress should hold its sessions at a distance from the capital, in order that, being free from undue influence, and the fear which bayonets might cause, they would be able to pursue their course with the more perfect freedom. After much discussion, and important reasons urged on both sides of the question, they finally yielded to the solicitations of the Directors, who strongly urged their removal to the capital, and accordingly carried the resolution into effect, in the midst of new commotions and disturbances.

One of them had its origin in the audacious mind of an inhabitant of Santiago de Lestera, named Don Francisco Borges. This indiscreet man had been engaged for some time in secretly exciting the minds of those who entertained an aversion to the constituted authorities. His intrigues engaged on his side not a few of his fellow-citizens, who, together with others in the neighboring towns, raised the standard of rebellion under his command. A corps of veteran troops was immediately despatched against them from Tucuman. Borges, more skilled in forming factions than in profiting by them when formed, was unable to maintain his ground: beaten, pursued, and taken prisoner, he paid with his life the price of his temerity.

The Governor of Cordova, although possessing more prudence and foresight than his predecessor, was unable to provide against a conspiracy which surprised him in his own house. Bulnes, from his prison, colloquing with some of those wretches who are every where to be found in an unsettled

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state of society, was enabled through this means to corrupt the garrison; and, not satisfied with obtaining his release, he assailed the house of the Governor, whom he seized and placed in confinement, together with the military commandant, Sayos.

The chief of this plot was not possessed of sufficient talents to direct any important object, nor had the soldiers whom he had corrupted a sufficient interest to serve him. These were, with few or no exceptions, veteran Spanish troops who had deserted to us, and who had been placed under the command of a European, named Quintana, but who would willingly sell themselves to whoever offered most. Bulnes was deposed, and in his stead was chosen a certain Urtubei, a person in whom the conspirators fancied they could repose their confidence with greater safety. The situation of the conspirators was critical; they knew that their indecent and dishonorable conduct was detested by the inhabitants of Cordova, and that their force was inadequate to sustain them; they, therefore, justly feared the punishment which the Congress and the Director would inflict upon their crimes. In this embarrassment, they fell upon the plan of compelling Don Juan Andres de Pueyrredon, brother of the Director, to accept the office of Governor of the Province, in an open Cabildo or assembly, composed chiefly of the factious. It was not long before all those who were openly concerned in this disgraceful business were obliged to beg an asylum in Santa Fe, to which place they retreated. Colonel Sayos, who, with his officers, was ordered to be conducted to some remote place, contrived to gain over the guard to his side at the end of a few days' march. At this moment he was accidentally joined by Governor Funes, who, by the permission of Bulnes, was on his way to Buenos Ayres. They immediately set about collecting a force for the purpose of returning to put down the insurrection. This consisted, however, of very indifferent militia, upon which little or no dependence could be placed. Notwithstanding this, and the obstacles thrown in the way by a handful of vicious, unprincipled men, the Governor succeeded in re-establishing order, and in entering upon the duties of his office.

The chief of the insurrection was arrested and sent to Buenos Ayres, where, together with several of the European soldiers, he was tried, condemned, and executed.

These discords in the east, the west, and the north, contributed chiefly to flatter the hopes of our enemies, and encouraged them to form new plans for our subjugation. Ten thousand Portuguese, under the command of General Lecor, in three divisions, were marched into the territory of the eastern shore. The first consisted of five thousand men under his immediate command, who directed his march by the way of Santa Teresa; the second, under the command of General Silveira, consisting of sixteen hundred, by the way of Serno Largo; the third, which formed the right of the enemy, under Curau, proceeded

towards the town newly founded by Artigas, in the vicinity of the Uruguay. It was utterly impossible for the General to oppose this torrent. Although the Orientals were gifted with great strength of body and intrepidity of mind, yet neither their numbers, the nature of their arms, their discipline, nor their subordination, could enable them openly to take the field against invaders in these respects so much superior. This superiority very soon manifested itself. General Pinto, with nine hundred men, advanced as far as India Muerta, where he was attacked by General Ribera with eleven hundred men; and, although he sustained a vigorous fight, he was compelled to retire with less than one-half of his division. Possessing, however, that coolness which characterizes the brave in critical situations, he did not neglect to detach a part of his force to watch the operations of the enemy. Soon after this, a detachment consisting of a hundred men fell in with an equal number of Portuguese, who had marched out of Maldonado. Stung by shame, and roused to desperation by the disgrace of the last affair, they rushed with irresistible fury upon their enemies, who were literally cut to pieces.

General Forquese was opposed to General Silveira, at the head of eight hundred men, but was more distinguished for stratagem and astuteness than enterprise. It was of great importance to impede the march of Silveira, whose object was to form a junction with Lecor. Ribera having united his force with that of Forquese, they determined to attack, but, through some unaccountable accident, the former retreated to Rio Negro. The Portuguese army, although continually harassed by Ribera, reached the Barra de Casupa, at Santa Lucia la Grande. Ribera did not despair of being able to defeat the enemy; but, considering the smallness of his force, he besought the town of Montevideo to send the delegate Barcino with a reinforcement of four hundred men. The only force that could be spared was the corps of Libertos, commanded by Colonel B——; but, from a spirit of rivalry ill becoming the times, this officer was unwilling to serve under Ribera. This reinforcement being thus denied, General Silveira effected a junction with General Lecor; after which they proceeded to the capture of Montevideo, on the 19th January, 1817, Barcino having abandoned it in much disorder.

The fortune which had formerly attended the Orientals was now reversed. They fled the presence of those whom they had been before accustomed to repel; or, if they showed resolution, it usually degenerated into rashness. The right wing of the Portuguese army, commanded by Curau, directed its march towards the place at which the chief of the Orientals was stationed, and arrived at the Arroyo de los Catalanos. This frontier was defended by General La Torre, with three thousand men. Full of an arrogant confidence, which did not permit him to calculate the risk, he determined on attacking the enemy. Mondragon, who commanded the cavalry, with more prudence, remonstrated against this step, alleging

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that, having had the good fortune to deprive the enemy of his horses, oxen, and carts, these ought first to be secured, before exposing himself anew to the chance of battle, which, considering the present situation of the Portuguese, must be extremely doubtful. La Torre, either not convinced by this reasoning, or despising it, exercised his authority, and imprudently fell upon the enemy with his whole force. The action was obstinate and bloody, but terminated in the most disastrous manner. General Artigas occupied a position some distance in the rear, with a small corps of one hundred men. The consequence of this unfortunate affair reached even his encampment. Here he was surprised by four hundred men, and was only enabled to escape with the assistance of a Charua Indian, but with the loss of all his baggage.

In the midst of the progress of Lecor, he found himself all at once shut up in Montevideo, suffering hunger and all the privations of a siege. His situation becoming intolerable, he marched with two thousand men in search of cattle and other provisions. The indefatigable Ribera, who closely watched his movements, prepared an ambuscade with much sagacity at the pass of San Lucia, and, causing no small loss to the enemy, attained his object for the moment. Lecor was not compelled, however, to abandon his enterprise, but proceeded as far as the pass of Pinto, where he was again attacked by Ribera, and experienced a loss of two hundred men. These advantages were of too partial a nature to enable the Orientals to derive hopes from them in the face of an enemy so powerful. They contributed chiefly to raise the reputation of Ribera.

The cry now became universal on the part of the Orientals, and even of their chiefs, for a re-establishment of their union with Buenos Ayres, as the only means of finding shelter from the desolating tempest. In virtue of this state of mind, a communication was opened with the Director, who at once met so desirable a proposition, and immediately sent a supply of arms and munitions of war by way of Colonia. Although Ribera had given his consent to the union, he stipulated to withdraw it, in case it should not meet the approbation of Artigas. For this purpose, he communicated the stipulation he had entered into, in his absence, to that chief. To Artigas it was of little importance that such an event would be advantageous to the republic; he saw in it nothing but a diminution of his own consequence and power. In order to prevent the discontent which his refusal might produce, at the same time that with one hundred men he went down to dissuade Ribera, he caused his partisans to circulate the most scandalous abuse of the capital and its intentions, proclaiming that a union with the capital would be a union with perfidy and robbery, and that it would be exchanging their liberty for a shameful and atrocious servitude. These odious imputations could not fail of producing an effect upon the simple, well-meaning people, who reposed implicit confidence in Artigas, as well as in the minds of those

who had, on former occasions, been ill-treated by the Government of Buenos Ayres, of which number was Ribera. The party in favor of union was, however, too strong to be easily dissuaded from its purpose. In fact, Barsinos Bansa, colonel of the Libertos, Ranhos, commander of the artillery, a body of chasseurs, and some corps of militia, under the command of Don Tames Garcia, having elected the latter as their commander, entered into articles of union with Buenos Ayres. Ribera, offended with an act which was very little short of a revolt against him by a part of the troops under his command, hastened with three hundred chosen men to call them to an account for this procedure. After some warm altercation, Garcia, being the strongest, remained with the command, and Ribera, sending a copy of the offensive articles to Artigas, called for a detachment of five hundred men for the purpose of attacking his opponents. It was well known that Artigas would destroy without mercy those who set about diminishing his authority. In truth, this man, taking counsel only from his ambition, and from a mischievous Franciscan friar, who for a long time had swayed him, resolved to comply with the request of Ribera with all possible expedition. General Forges, one of the most repute among the Orientals, opposed with energy a measure which was about to awaken the horrors of civil war, and declared for a union with the capital. Of the five hundred, only fifty were despatched to Colonia, under the pretext of defending this place, which was threatened by a Portuguese flotilla, but with the real intention of uniting with Ribera, and to make war upon those who should be in favor of the union. The party of Artigas prevailed. The Director had hoped that the Orientals, won over by his friendly conduct, would lower their pretensions, but his patience was wearied out by so much obstinacy.

While these clouds obscured the east, the west appeared more serene; the Governor of Cuyo, Colonel Don José de San Martín, a man bold enough to conceive great designs, sufficiently a lover of glory to devote himself to them, and not wanting good fortune in their execution, had for some time past meditated in silence the reconquest of Chili. This country had been completely subdued by the Spaniards; more than one hundred of the most influential people had been banished to the island of Juan Fernandez; the inhabitants completely disarmed, and held under the most rigid subjection; their secret wishes, however, as may be readily supposed, were in favor of independence, and San Martín had every reason to believe that, if he could cross the mountains with a respectable army, he would have none but the Spaniards to contend with, and would find the people, as far as was in their power, disposed to co-operate with them. The situation of the United Provinces, continually threatened from Chili and Peru, plainly pointed out the immense importance of expelling the Spaniards from the former, by which means they would at the same time strike the severest blow to their enemy, and gain a powerful ally. A sense of duty also called upon them

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to assist their brethren, those who, on a former occasion, when Buenos Ayres was threatened by the Spanish general Elío, had contributed both men and money to her assistance. But the chief difficulty lay in procuring the means of raising such an army as would be adequate to the enterprise. The State, notwithstanding its recent declaration of independence, was at no time since the commencement of the war in a condition so deplorable; it might almost be said to be drifting at the mercy of the winds and waves. The province of Cuyo, at the first glance, seemed to promise less; its soil but indifferent, its population small, its products, of late, much reduced in value, and, as the frontier, continually exposed to the invasion of the Spaniards. But San Martín possessed the talent of winning the hearts of those with whom he was connected, of awakening the higher passions, and of enlisting them not by halves, but entirely in his plans. He had possessed himself so completely of the affections of the people of Cuyo, that they placed, without reserve, everything they had at his disposal. They freely yielded up their male slaves, to the number of six hundred; they furnished three thousand horses, ten thousand mules, and contributed their personal services for the construction of quarters, encampments, armories, and in conducting troops and munitions from Buenos Ayres. Much of this is doubtless to be attributed to the moderation and self-denial, both in public and private life, of the chief who commanded—the best security for the confidence of the people; but it is likewise to be attributed to a cause which does much honor to the province, to wit, its uniform patriotism and good conduct. Correct morals are most conducive to love of country, and love of country is not less conducive to good morals. Had they been less pure, this patriotism would have been less, and less, also, would have been the influence of San Martín. After a twelve-month spent in collecting, organizing and disciplining his army, which at the same time afforded Maroo an opportunity of making the necessary preparations to oppose him, San Martín put in execution his daring attempt to cross the Andes. The mere idea of such an undertaking is enough to strike the mind with astonishment, as amounting almost to a violation of the laws of nature. We can form but a faint idea of this enterprise, when we consider that the mountains to be crossed, for one hundred leagues, are the highest on the globe, with defiles so narrow as not to admit two persons abreast along the giddy verge of frightful gulfs, while the severity of the climate seemed to contend with the ruggedness of the passage; added to these, the difficulty of transporting artillery, at the same time embarrassed with the baggage and provisions for thirty days, and, after all, trusting to the uncertain chances of success after the termination of these labors and fatigues; in truth, when everything is considered fairly, this achievement may justly rank with the most celebrated of those recorded in history. In thirteen days the army effected its passage, with the loss of about five thousand horses and mules, and

of a small number of men, chiefly blacks, who were unable to stand the cold. After some slight skirmishes, the army took up its position at Acoracouga.

The passage of the mountains was, in itself, an achievement of a nature to give assurances of the result. The heroic army which had vanquished the Andes, fighting under the banners of liberty and the country, could no more be resisted than a torrent of the mountains. The splendid triumph of Chacabuco, which took place soon after, raised San Martín to the pinnacle of glory, and gave a new aspect to the affairs of South America. "In twenty-four days," said the General, "we have terminated the campaign; we have crossed the most elevated mountains of the globe; put an end to the sway of tyrants, and given liberty to Chili." The President Marco was taken prisoner, and the remains of his forces took refuge in the fortress of Talcaguana. A Junta of the Chilians was convened at Santiago; through gratitude to San Martín, they offered to invest him with the Directorship, which he declined; they then elected Don Bernardo O'Higgins. The Chilians afterwards sought, by various modes, to express their gratitude to the *General of the Andes*, by which name San Martín, by a kind of involuntary concurrence, was now distinguished; but, considering these offers as incompatible with the notions of greatness which he entertained, they were positively declined. It would be improper not to mention the restoration of the banished Chilians to their families, which was almost the first act of the Government. San Martín returned to Buenos Ayres to receive new orders and concert new plans with the Government, all eyes being now turned towards Peru, as the quarter in which their long-looked for peace and liberty would be sealed. On approaching Mendoza, the capital of Cuyo, he was met by its inhabitants, the youth strewing roses in the road, and all demonstrating the most heartfelt expressions of regard; the inhabitants of Buenos Ayres were equally desirous of showing every mark of veneration for this hero; but San Martín, being apprized of their preparations, stole into the town unobserved. Some are disposed to condemn what appears to them an affected squeamishness and false delicacy, in thus declining honors which are known in general to be grateful to the human heart; but, for this very reason, in my opinion, it is great and noble to decline or despise them.

The cause of the State, in Peru, when conducted by the virtues, experience, and abilities of Belgrano, who, on his return from his important mission to Europe, had once more assumed the command, was again seen to revive. In the rencontres already related we have seen that victory had also returned to our side. General Serna, who succeeded Pescuela, was not possessed of the abilities of his predecessor. Although the celebrated leaders Padilla and Merces were killed, Warnes and Ganderilla and Fernandez supported the cause of their country. By these the sanguinary Facon was pushed to the very verge of the precipice; but this victim was

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reserved for another hand: a ray of lightning sent from Heaven put an end to his days and his cruelties. His army was reduced almost to nothing.

General Serna discovered only a vain and arrogant confidence in his own powers. He had scarcely assumed the command, when he conceived the design of attempting the reconquest of Salta and Jujuy, and even of Tucuman. The history of his predecessor ought to have opened his eyes. These places had proved the sepulchres of the Spaniards, and he might cause them to be so again. These admonitions were disregarded by Serna, who, more haughty than the Knight of La Mancha, entered Jujuy at the head of an army of upwards of two thousand men. Governor Guemes rendered the possession of the place little better than a trap for his destruction. He and his brave countrymen invested him so closely, that he soon began to repent of his folly. His forces were incessantly harassed by a great number of guerrillas, and much reduced by the actions of San Pedrita, Huniaquaca, Tarija el Barrada, and others. From the deserters, who were continually coming over, with misery painted in their countenances, it appeared that they were perishing of famine in their trenches. Guemes, with his brave officers, Roxas A—, Tarenos, La Madrid, Cardal, &c., compelled Serna to retire, at last, with great loss, and to renounce his designs upon the cities before mentioned. These flattering occurrences were only interrupted by the lamentable rivalry of the Orientals with the capital. Although Artigas, by means of his chiefs, succeeded in gaining over the greatest part of those whom his conduct had alienated, there were still many who remained firm in their resolution of a separation from his authority—a conduct which they considered necessary to the safety of the Republic. Of these, not a few were of the province of Entre Rios, by their chiefs, Erenu and Samanuego, who, lowering their tone, acknowledged that they had been wrong, and sought the friendship of the Director. A circumstance which might possibly lead to the overthrow of an ambitious man, and assure the liberty of the country, was not to be despised. Resentment for personal insult might also, perhaps, have had its influence with the Director; he had just received from Artigas a letter couched in the most declamatory and abusive language, accusing him of paying no regard to his officers, by letter, of sending deputies to the union, charging him with connivance at the supplies furnished the Portuguese, with being in their interest, and threatening to pursue him even into the capital itself.

1818.—The Director, with a view of securing the Baxada de Santa Fe, which commands the interior country of Buenos Ayres, and at the same time of furnishing assistance to the inhabitants of Entre Rios, despatched a body of troops under Montes de Oca. These were furiously attacked by a detachment from Artigas, and completely defeated. This unfavorable occurrence did not deter the Director from his design; he

despatched Colonel Marcos Balcarce with reinforcements to take the field anew. The Orientals, inflamed by that rage which characterizes civil wars—and the more on this occasion, as they regarded themselves as ungenerously attacked by their countrymen, at the moment they were fighting the enemies of the Republic—with an impetuosity bordering on desperation, fell upon the army of Balcarce, and, after a short but brave resistance on the part of the latter, victory declared itself for the Orientals. Let us deeply lament the fatal policy or necessity of delaying, with our own hands, the progress of events by which we are to gain our independence, and turning upon one another those arms which ought to be reserved only for our common enemies.

About the same time, news of a much more serious nature reached the capital, and produced the most painful sensations. While San Martin and O'Higgins were endeavoring to reduce the last stronghold of the Spaniards in Chili, (the fortress of Talcaguana,) the Viceroy of Lima, with all possible despatch, threw fifteen hundred men into that place, which, in point of strength, may be compared to Gibraltar. The army of Chili, under the command of San Martin was increased to nearly double its number by the new levies among the Chilians; but time was requisite to train and discipline them. O'Higgins took possession of the town of Concepcion, of which Talcaguana, is the seaport. Here a great part of the Summer was passed away in skirmishes, in which the enemy were generally worsted. San Martin was, however, occupied in designs of greater magnitude. He was unremittingly engaged in preparing to strike the same blow in Peru which had so successfully paralyzed the power of Spain in Chili. The want of transports was the principal cause of delay, as a march through the desert of Atacama would be impracticable. The Viceroy, dreading the enterprise of San Martin, and knowing the materials by which he was himself surrounded, conceived it most prudent to risk the fate of Peru in Chili. Accordingly, after an effort which, in the present fallen state of the Spanish power, might be considered great, he collected about five thousand men, who were hastily embarked for Talcaguana under Osorio, leaving Peru entirely defenceless. Osorio had scarcely reached that place, when he commenced preparations for proceeding directly to the capital of Chili. He calculated with confidence on the superiority of his troops over those whom experience had not yet taught him to respect. He also flattered himself with being able to overtake the army of O'Higgins before he could form a junction with San Martin. Osorio, taking with him nearly all the garrison of Talcaguana, together with two thousand of the natives of Chili, marched rapidly through the province of Concepcion with an army of nearly eight thousand men. Before he passed the Maule, the patriot army had already formed a junction, and consisted of an equal number of regulars, besides considerable bodies of the militia of the country. In a few days it was completely organized and consoli-

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dated; but so large a body of men, when collected, soon began to experience considerable wants. The capital of Chili confidently trusted to the abilities and valor of San Martin; while the circumstance of the wants of his army, when made known to them, afforded an opportunity of displaying a magnanimity which we have unjustly supposed to have been buried beneath the ruins of Greece and Rome. San Martin announced that his army was ready to take the field against the enemies of the country, and that all were willing to sacrifice their lives in its defence, but that it was in want of bread and other supplies. The effect which this intimation produced in the noble-minded people of Chili is best displayed in the reply which they made through the different officers of the municipality and corporations.

"Your Excellency," said they, "has just informed us that our brethren in the field of battle are in hourly expectation of being called upon to shed their blood and sacrifice their lives for our preservation. Your Excellency recalls to our recollection the sad image of Chili laid waste, for two-and-a-half years, with an atrocity truly Spanish; and our children, our fathers, and our wives, terrified at the chains and gibbets preparing for them by the monsters that have reached in the plains of Talca, turn their tearful eyes towards the brave that, on the banks of Tanguca, have sworn to perish sooner than behold their desolation. But your Excellency, at the same time, intimates to us that these brave men are in want of bread and other supplies, in order to sustain the vigorous arms destined to exterminate our enemy; and that the public fund having been exhausted, there scarcely remained a sufficiency for the hospital where the wounds received in our defence are to be healed." "And what does your Excellency expect will be the reply of the Chilians to a representation so mournful and affecting? That all our fortunes, without reserve, belong to our country. That, from this moment, we request that your Excellency will be pleased to accept the spontaneous offer of whatever silver we have in our possession, together with the vow which we make before our country and the universe, that, so long as the war shall last, and the wants of Chili may require it, there shall not be seen a single article of plate in our houses.

"The people of Chili are unwilling that the silver of the churches should be touched until that which belongs to individuals shall be entirely exhausted. We shall then humbly say before the Supreme Being—To preserve the precious gifts of life and liberty which thou hast bestowed upon us, we present ourselves naked to implore thy protection, while we endeavor to support thy ordinances with the aid of those things which we had set apart to adorn thy worship. Our vows and ardent adorations shall henceforth be the most pure and becoming homage we can offer thee.

"In the meanwhile, will your Excellency be pleased to accept the offer, on the part of the secular and regular clergy, of whatever articles

of plate belonging to them in particular, and which do not appertain to the ceremonies of religion, and whatever belongs to the magistrates and corporate bodies, which we offer in our name and in the name of the people of Santiago?

"Your Excellency will therefore be pleased to accept these offerings, and to inform our brethren that they may rely on the utmost exertions of our gratitude."

This unexpected but sublime display of gratitude was replied to by the Director in a suitable manner. Accepting their offer, he declared himself unable to find expressions sufficiently strong to do justice to the magnanimity of their conduct; but, for the purpose of commemorating so glorious an action, he ordered the following inscriptions to be engraven on the two columns which adorn the eastern and western entrances of the city:

"On the 5th of March, 1818, the people of Santiago voluntarily stripped themselves of all their plate and utensils of silver, protesting that they would acquire no others until their country shall be out of danger."

"Nations of the universe! strangers who enter Chili! say whether such a people deserve to be slaves!"

The patriot army lost no time, after its junction, in marching to meet the enemy. The army of Osorio had already passed Talca; it was not long before a continual skirmishing took place between the invaders and the patriots. These were kept up for several days, until the 10th, when an affair of some importance took place between the advanced corps under O'Higgins and a part of the Spanish army, in which the latter was compelled to fall back with considerable loss, being pursued into the very streets of Talca. The whole Spanish force had been compelled to fall back upon its steps. Osorio now discovered that his contempt of San Martin's army had led him into error; it was so much superior to his, particularly in cavalry, that the chances of success would be decidedly against him, knowing that, in all probability, San Martin would attack him the next morning with his whole force; and that, if defeated, with a large river and numerous bodies of militia in his rear, retreat would be no longer possible. In this critical situation, by the advance of General Ordines, he determined to select two thousand of his best troops, and try the fortune of a night attack, which, if successful, would enable him to retire without fear of pursuit. The principal part of the army had, in the evening, halted within a short distance of Talca; the remainder of the infantry having arrived, and the ground being reconnoitred, orders were given about nine o'clock for each division to occupy the position assigned to it. The right wing had already been posted, and the left was also in motion, when the enemy rushed upon them in the most furious and unexpected manner; the baggage and artillery were first thrown into confusion, which was soon communicated to the troops on their march; these, after a short resistance, broke and dispersed in every direction, in spite

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of the exertions of their leaders. The Director of Chili, who commanded in person, was severely wounded in the arm in his efforts to rally them. The right, however, under the immediate command of that excellent officer, Colonel Las Heras, retired in good order, and, together with some bodies, collected by the exertions of San Martin and his officers, continued the contest for some time, but were compelled at last to give way. The next morning presented a spectacle truly melancholy—an army, of which the day before our country might justly have been proud, the best appointed that had taken the field on the side of, independence in South America, stripped of its artillery and baggage, and more than one-half dispersed, and this without having been beaten.

San Martin conducted the fragments of his army to the narrow pass of Angulemu, which lies on the route to Santiago, and which the enemy could not avoid without making a very considerable circuit. Here he remained in the most painful situation, deprived of his baggage, and his men in want of everything. In the meantime, the stragglers dispersed through the valleys of Chili, spread the most disheartening accounts among the inhabitants, and so complete was supposed to have been the defeat of San Martin, that the partisans of Spain, wherever any of them happened to be, could scarcely refrain from openly declaring themselves. San Martin, with the Director, whose presence was required in the capital, made it a hasty visit, for the purpose of inspiring confidence in the people, and of procuring the means of recomposing his army. He now judged it most prudent to fall back upon the capital, where his army could be recruited with greater celerity, and intending, in case of defeat, to retire into the city, which the Director was actively engaged in placing in a state of defence. The army, under the creative hand of San Martin, with a celerity almost incredible, in the course of a few days, and after a march of eighty leagues, once more presented a formidable front on the plains of Maipu. The most animated proclamations were circulated through the country by him and the Director; hope was seen to revive, and the Patriot army was animated by a desperation gathered even from its late disgrace. The news of this lamentable occurrence arriving at the same time with that of the misfortunes of the eastern shore, cast a gloomy shade over Buenos Ayres. The most melancholy anticipations filled the breast of every American, while the Spaniards among us discovered their joy, on some occasions, with very little discretion. Our apprehensions induced us to believe that the affairs of Chili were still worse than the Government had been willing to communicate; the very importance of the contest in that country was enough to produce doubts in the minds of the most sanguine. Osorio, finding the success of his attack to have so far exceeded his expectations, determined to follow up his blows, but, having experienced a considerable loss, he was somewhat retarded in setting off; his march was, not-

withstanding, rapid, having approached the Maipu in twelve days after the dispersion of the Patriot army. On the third and fourth of April there were frequent skirmishes, and early in the morning of the fifth the two armies came in sight of each other, the body of the Spanish forces having crossed the Maipu. The whole morning was passed in manœuvring; each chief in vain endeavored to gain some advantage over his opponent. San Martin rode incessantly along his lines, addressing each individual corps, and infusing into them his own feelings, while the patriotic songs and marches resounded through the army. Seeing, at last, that there was no probability of his being attacked that day by the Spaniards, and finding his men roused to the highest pitch of enthusiasm, he gave orders to advance. With the exception of a small height, which the enemy had occupied with some pieces of artillery, the ground was nearly level, and well adapted to military manœuvres. The infantry was placed under the command of General Balcarce, Colonel Las Heras on the right wing, and Colonel Alvarado on the left; the artillery and cavalry posted on each wing, and a strong reserve in the rear under Colonel Quintana. In this order the army moved towards the enemy, who opened a dreadful fire from his infantry, and from several pieces of artillery posted on the small elevation before-mentioned, but without arresting its progress; a body of the enemy's cavalry charged at the same time, but were driven back by those of the country, who pursued them even under their guns. The action now became general and bloody; our line, at last, appeared to vacillate; but at this moment, the reserve being ordered up, the whole returned to the charge, and, with an irresistible impetus, carried everything before them. The resistance of the enemy was, however, so obstinate, that they had to be literally pushed from the ground with the bayonet. The regiment of Burgos, composed of the best troops of Spain, and twelve hundred strong, was not broken until after repeated charges, which San Martin is said to have led in person. The remnant of the enemy's force then threw themselves into some narrow lanes, made by walls, and, under their shelter, commenced the contest anew, but were at length entirely overcome. This action lasted from noon until six o'clock in the evening, and was contested on either side with a courage and firmness worthy of the great prize that was at stake—not merely the independence of Chili, but perhaps of South America. The history of wars furnishes us with few instances of a victory more complete; the whole Spanish army was annihilated; artillery, military chests, everything belonging to it, fell into the hands of San Martin. Its chief alone fled with some horsemen, when he saw that the day was lost. Ordóñez, the second in command, one hundred and ninety-eight officers, three thousand rank and file, surrendered their arms; and two thousand of their dead covered the field of battle. The loss of the country did not exceed one thousand in killed and wounded. The capital, from its extreme depression, was now ele-

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vated to the highest pitch of joy. The streets before silent and fearful, were suddenly filled by the inhabitants, like the blood which, after some moments of deep suspense and anxious fear, rushes again from the heart to the extremities of the body. The scene which ensued can only be conceived by those who have witnessed the sublime effusions of popular feeling, when each thinks his own happiness, that of his posterity, his friends, and his country, are entirely involved. There was a general and almost universal exclamation, "At last we are independent!" while San Martin was hailed as the genius of the Revolution.

B.

Manifesto directed to all nations by the General Constituent Congress of the United Provinces of Rio de la Plata.

Honorable fame is the jewel which mortals prize above existence itself, and which it is their duty to defend above all earthly good, however great and valuable. The Government of Spain has accused the United Provinces of Rio de la Plata, before the nations of the world, of perfidy and rebellion; and has denounced, as perfidious and rebellious, the memorable declaration of independence of the 9th of July, 1816, by the National Congress of Tucuman; imputing to them ideas of anarchy, and intentions of introducing seditious principles into other countries, and their recognition of this declaration, that they may assume a place among the nations of the earth. The first among the most sacred duties of the National Congress is to do away so foul an imputation, and to justify the cause of our country, by publishing to the world the motives and the cruelties which concurred to impel to the declaration of independence. This is not a submission which concedes to any one the right to dispose of a condition purchased by America with torrents of blood, and every species of sacrifice and endurance. It is a duty of imperious obligation which it owes to its wounded honor, and to the respect due to other nations.

We shall waive all discussion with respect to the right of conquest, of papal grants, of other titles by which the Spaniards have supported their domination; it is unnecessary for us to recur to principles which may give rise to theoretic disputes, or to questions which have found advocates. We appeal to facts, forming a lamentable contrast between the sufferings endured by us and the tyranny of the Spaniards. We shall expose to view the frightful abyss into which these provinces were about to be precipitated, had not the wall of their emancipation been interposed. We shall give reasons, the soundness of which no rational being can question, unless it be his aim to persuade a nation to renounce forever all idea of felicity, and to adopt for its system ruin, opprobrium, and shameful acquiescence. We shall exhibit this picture to the world, that no one may contemplate it without being deeply affected with the same feelings that belong to ourselves.

From the moment the Spaniards took posses-

sion of these countries, they thought only of securing their power of exterminating and degrading. Their systems of devastation were immediately set on foot, and were continued, without intermission, for three hundred years. They began by assassinating the Incas of Peru, and they afterwards practised the same upon the other chiefs who fell into their power. The inhabitants of the country, attempting to repel these ferocious invaders, became victims to fire and sword, by reason of the inferiority of their arms, while their cities and villages were consigned to the flames, everywhere applied without pity or discrimination.

The Spaniards then placed a barrier to the increase of the population of the country; they prohibited, by vigorous laws, the entrance of strangers into it, and in latter times they opened it to the immoral—to convicts cast out of the Peninsula. Neither the vast but beautiful deserts, formed here by exterminating the natives, nor the benefit which might accrue to Spain herself, by the cultivation of plains fertile as they are extensive; nor the existence of minerals, the richest and most abundant of the globe; nor the attraction of innumerable productions, some until then unknown, others precious from their intrinsic value, and capable of animating industry and enlivening commerce, carrying the one to its highest pitch, and the other to the utmost extent of opulence; nor, in fine, the unceasing exertions to keep the fairest regions of the earth submerged in wretchedness, had sufficient influence to change the dark and portentous policy of the Court of Madrid. From one city to another of this country there are hundreds of leagues lying waste and uninhabited. Entire nations have disappeared, buried under the ruins of mines, or perishing in an atmosphere poisoned with antimony, under the diabolical institution of the Mita. Neither the lamentations of Peru, nor the energetic representations of the most zealous Ministers, have been sufficient to put a stop to this system of extermination.

The science of working mines, regarded with indifference and neglect, has remained without undergoing those improvements common to other nations in an enlightened age; thus rudely wrought, the richest have disappeared, either by the dilapidation of excavated hills or by the influx of water. Other rare and valuable productions of the country have remained in the great storehouse of nature, without having excited the attention and zeal of the Government; and if at any time an enlightened individual presumed to publish these advantages, he was sure to be reprehended by the Court, and compelled to be silent, lest, possibly, a diminution of the demand for some of the productions of Spain might ensue.

It was forbidden to teach us the liberal sciences; we were only permitted to learn the Latin grammar, the philosophy of the schools, civil and ecclesiastical jurisprudence. The Viceroy, Don Joaquin Pirio, gave much offence by permitting a nautical school at Buenos Ayres; and, in compliance with a mandate of the Court, it was or-

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dered to be shut, while at the same time it was strictly prohibited to send our youth to Paris for the purpose of studying the science of chemistry, in order to teach it on their return.

Commerce was ever a monopoly in the hands of merchants of the Peninsula, and of their consignees sent by them to America. All public offices and employments belonged exclusively to the Spaniards; and although Americans were equally called to them by the laws, they were appointed only in rare instances, and even then not without satiating the cupidity of the Court by enormous sums of money. Of one hundred and seventy Viceroyalties that have governed in this country, but four of them have been Americans; and of six hundred and ten Captains General and Governors, all but fourteen are Spaniards. The same took place in every post of importance, and even amongst the common clerks of offices it was rare to meet with Americans.

Everything was disposed on the part of Spain, in America, to effect the degradation of her sons. It did not suit the policy of Spain that sages should rise up amongst us, fearfullest men of genius should bethink them of advancing the condition of their country, and of improving the morals and excellent capacities with which its sons have been gifted by their Creator. It was her policy incessantly to diminish and depress our population, lest one day we should imagine aught against her domination, guarded by a force contemptible for regions so various and vast. Commerce was exclusively confined to herself, from a mean suspicion that opulence would make us proud, and render us capable of aspiring to free ourselves from so many vexations. The growth of industry was checked, in order that the means of escaping from our wretchedness and poverty might be denied us; and we were excluded from all participation in public employments, in order that the natives of the Peninsula might have entire influence over the country, so as to form the inclinations and habits necessary for retaining us in a state of dependence, that would neither permit us to think nor to act but in conformity to the modes dictated by the Spaniards.

This system was acted upon with the utmost rigor by the Viceroyalties; each of them was invested with the authority of a Vizier; their power was sufficient to annihilate all those who dared to displease them; however great the vexations they practised, we had to bear them with patience, while these were compared by their satellites and worshippers to the effects of the wrath of God. The complaints which were addressed to the Throne, were either lost in the distance of many thousand leagues, over which they had to pass, or they were smothered in the offices at Madrid by the protectors of those who tyrannized over us. Not only was this system not softened, but there was no hope of its moderating in the course of time. We had no voice, direct or indirect, in legislating for our country; this was done for us in Spain, without conceding to us the privilege of sending delegates or councillors to be present, and to state what would be suitable, or otherwise,

as is practised by the cities of Spain. Neither did we possess such influence in the Government set over us, as might serve to temper the severity of its administration. We knew that there was no remedy for us but to bear with patience; and that for him who could not resign himself to every abuse, death was considered too light a punishment; for, in such cases, penalties have been invented of unheard-of cruelty, and revolting to every sentiment of humanity.

Less enormous, and less pertinaciously persevered in, were the outrages which compelled Holland to take up arms, and free herself from Spain; those which induced Portugal to shake off the same yoke; those which placed the Swiss, under William Tell, in opposition to the Emperor of Germany; those which induced the United States of North America to resist the encroachments of Great Britain; or those of any other countries which, without being separated by nature from their parent States, have separated themselves in order to shake off an iron yoke, and to take into their own hands the care of their own felicity, than what we have experienced. We, however, separated by an immense ocean, inhabiting a country gifted with every variety of climate, possessing distinct wants, and treated like flocks and herds, have exhibited the singular example of patient endurance under such degradation; remaining obedient, even when the most seducing circumstances presented themselves for casting off the yoke, and driving the Spanish power to the other side of the ocean.

We address ourselves to the nations of the world; and to manifest so much effrontery as to think of deceiving them in matters to which they have been witnesses, is impossible. America remained tranquil during the whole war of the succession, and waited the termination of the contest between the houses of Austria and Bourbon, in order to follow the fortunes of Spain. A favorable occasion then presented itself to free ourselves from so many vexations, but we did not seize it; on the contrary, we exerted ourselves in her defence, arming in her cause alone, and with a view of maintaining our connexion with her. Without having any concern in her differences with European nations, we have embarked in her wars; we have suffered the devastations; we have borne, without a murmur, all the privations to which we were exposed by her nullity on the ocean, one of which was the interruption of the usual communication with her.

In the year 1806 our country was invaded; an English expedition surprised and captured Buenos Ayres, the capital, through the imbecility of the Viceroy, who, though without European troops, had numerous resources fully adequate, which he knew not how to avail himself of. We prayed assistance from the Court, to enable us to defend ourselves against a new expedition which threatened us; and the consolation we received was, a royal mandate to defend ourselves as we could. The following year the eastern shore (Banda Oriental) was occupied by a new and more formidable expedition; the town of Monte-

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video was besieged and taken by assault; here the British troops were augmented, and a powerful force prepared for making another attack on the capital, and, in fact, the attack was made a few months afterwards; happily the valor of our citizens triumphed over the enemy in the assault, compelling him, after a brilliant victory, to evacuate Montevideo, and the whole of the eastern shore.

A more favorable opportunity of rendering ourselves independent could not have been desired than that which now presented itself, if the spirit of rebellion or perfidy had been capable of moving us, or if we had been susceptible of those principles of anarchy and sedition imputed to us. At that time we had abundant cause for doing what we have since done. It was by no means our duty to be indifferent to the state of degradation in which we had so long existed. If at any time victory authorizes the conqueror to be the arbiter of his own destinies, we might justly then have fixed ours; we were, with arms in our hands, triumphant, and there was not a single Spanish regiment to oppose us; and if neither victory nor force can give right, ours was still greater no longer to tolerate the domination of Spain. We had nothing to apprehend from the forces of the Peninsula; its ports were blockaded, and the seas commanded by the fleets of Britain. Notwithstanding the favorable conjuncture thus presented to us by fortune, we chose to preserve our connexion with Spain, hoping, by this distinguished proof of loyalty, to effect a change in the system of the Court, and render it sensible of its true interest.

But we flattered ourselves with vain hopes. Spain did not regard this conduct as an evidence of the generosity of our dispositions, but as a bare act of duty. America still continued to be ruled with the same tyranny, and our sacrifices, though most heroic, had no other effect than to add a few more pages to the history of that oppression under which we had so long groaned.

Such was the situation in which we were found by the revolution of Spain. We, who were habituated to yield a blind obedience to all her mandates, readily acknowledged Ferdinand VII. of Bourbon, although raised to the throne by a tumult at Aranjuez, which deposed his father. We saw him soon after pass over into France; we saw him there detained with his parents and brothers, and deprived of the crown which he had just usurped. We saw that Spain, everywhere occupied by French troops, was shaken to her centre, and that in her civil convulsions the most distinguished individuals, who governed with wisdom in the provinces, or served with honor in her armies, fell victims to the insensate fury of rivals; that, in the midst of these vibrations, governments rose up in each of those provinces, styling themselves supreme, and claiming sovereign authority over America. A Junta of this kind, formed at Seville, had the presumption to be the first to demand our obedience, and we were obliged by our viceroys to recognise and yield it submission. In less than two months

another, entitled the Supreme Junta of Galicia, pretended to the same right, and sent us a viceroy, with the indecent menace that thirty thousand men should also be sent, if necessary. The Junta Central next erected itself; we immediately obeyed it, without having had the slightest share in its formation, zealously and efficaciously complying with all its decrees. We sent succors of money, voluntary donations, and supplies of every kind, to prove that our fidelity would stand any trial to which it could be subjected.

We had been tempted by the agents of King Joseph Bonaparte, and great promises were held out to us of bettering our condition, should we unite ourselves with his interests. We knew that the Spaniards of greatest note had already declared for him; that the nation was without armies, and without the vigorous direction requisite in moments of so much difficulty. We were informed that the troops of Rio de la Plata, who were prisoners at London, after the first expedition of the English, had been conducted to Cadiz, and there treated with the greatest inhumanity, and that, in a state of nakedness, they had been sent off to fight against the French. Yet our situation continued unchanged until the Andalusias having been occupied by the French, the Junta Central was dispersed.

Under these circumstances, there was published a paper, without date, and signed only by the Archbishop of Laodicea, who had been president of the extinguished Junta Central. By this paper a regency was ordered to be formed, and three persons, as those who should compose it, were designated. An occurrence so unexpected could not but cause us to hesitate and ponder over it seriously. Our situation became alarming, and we had reason to be apprehensive of being involved in the misfortunes of the capital. We reflected upon its uncertain and vibrating state, more especially as the French had already presented themselves before the gates of Cadiz and the island of Leon: we distrusted the new regents, who were unknown to us; the most distinguished Spaniards having passed over to the French, the Junta Central dissolved, its members denounced as traitors in the public papers. We saw the inefficacy of the decree published by the Archbishop of Laodicea, and the insufficiency of his powers for the establishment of a regency; we knew not but that the French had taken possession of Cadiz, and completed the conquest of Spain in the interval which must elapse before these papers could come to our hands; and we doubted whether a Government formed out of the fragments of the Junta Central would not soon meet with the same fate. Considering the perils which surrounded us, we resolved to take upon ourselves the care of our own safety, until we should obtain better information of the true condition of Spain, and whether her Government had acquired stability. Instead of discovering this stability, we soon learned the fall of the regency, and saw it succeeded by continual changes of Government in moments the most arduous and critical.

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In the meanwhile we formed our Junta in imitation of those of Spain. It was purely provisional, and in the name of our captive King. The Viceroy, Don Baltazar Hidalgo Cisneros, despatched circulars to the provincial governors, in order to light up the flames of civil war, and arm provinces against provinces.

The Rio de la Plata was immediately blockaded by a squadron; the Governor of Cordova immediately set about raising an army: the Governor of Potosi and the President of Charcas marched with another to the confines of Salta, and the President of Cusco, presenting himself with a third army on the margin of Desaguadero, entered into an armistice of forty days, and, before its term had elapsed, recommenced hostilities, attacked our troops, and a bloody battle ensued, in which he lost fifteen hundred men. Memory is horror-struck in recalling the abominable cruelties then perpetrated by Goyeneche in Cochabamba. Would to God it were possible to forget this ungrateful American, who, on the day of his entrance into the city, ordered the respectable Governor Intendant to be shot, and, observing with complacency, from the balcony of his house, this iniquitous assassination, ferociously cried out to his troops not to shoot the victim in his head, as it was wanted to be stuck upon a pike; and when it was severed from the body, the headless trunk was dragged through the streets, while, at the same time, the brutal soldiers were barbarously permitted to dispose, at pleasure, of the lives and property of the inhabitants during many successive days.

Posterity will be shocked by the ferocity manifested towards us by men who ought to have been interested in the preservation of the Americans; and they will regard, with astonishment, the madness of attempting to punish, as a crime, an act marked with the indelible seal of fidelity and love. The name of Ferdinand of Bourbon preceded all the acts of the Government, and headed its public documents. The Spanish flag waved on our vessels, and served to animate our soldiers. The provinces, seeing themselves reduced to a kind of orphanage by the dispersion of the National Government, by the want of another of a legitimate character, and capable of commanding respect, and by the conquest of nearly the whole of the mother country, had raised up for themselves an argus to watch for their safety, and to preserve them entire, so that they might be restored to the captive King, in case he should regain his liberty. This measure was sanctioned by the example of Spain herself, and produced by her declaration that America was an integral part of the monarchy, possessing equal rights, and which had already been practiced in Montevideo, at the instance of the Spaniards themselves. We offered to continue our pecuniary aids for the prosecution of the war and a thousand times published the uprightness and sincerity of our intentions. Great Britain, to which Spain was then so much indebted, interposed her mediation and good offices to prevent our being treated in a manner so harsh and

severe. But the Spaniards were fixed in their sanguinary caprice, rejected the mediation, and despatched rigorous orders to all their generals to prosecute the castigation of the Americans with redoubled activity; scaffolds were everywhere erected, and ingenuity was taxed for inventions to frighten and afflict.

From thenceforward no pains were spared, and no means left untried, to divide and engage us in mutual extermination. They spread abroad the most atrocious calumnies against us, attributing to us the intention of renouncing our holy religion, and of encouraging an unbounded licentiousness of manners. They have made a religious war against us, contriving by a thousand ways to disturb and alarm the conscience, and causing the Spanish bishop to publish ecclesiastical censures and excommunications, and to sow, through the means of some ignorant confessors, fanatical doctrines, even in the penitential tribunal. By means of those religious discords, families have been divided against themselves; they have occasioned dissensions between father and son; they have broken asunder the delightful ties which unite husband and wife; they have sown rancor and hatred between the most affectionate brothers; they have, in fine, endeavored to poison all the harmony of society.

They have adopted the dreadful system of putting men to death indiscriminately, for no other purpose than to diminish our numbers, and, on entering our towns, have been known to put to death even the unfortunate market people, driving them into the public square in groups, and shooting them down with cold-blooded, wanton cruelty. The cities of Chuquisaca and Cochabamba have more than once been theatres of this shocking barbarity.

They have compelled our soldiers, taken prisoners, to serve against their wills in the ranks of their armies, carrying the officers in irons to distant outposts, where it was impossible for them to preserve health for a single year, while others have been starved to death in dungeons, and many have been forced to labor on the public works. They have wantonly shot the bearer of flags of truce, and have committed the utmost horrors upon chiefs after their surrender, and other principal personages, notwithstanding the humanity that had been shown by us to those prisoners who fell into our hands. In proof of this assertion, we need only mention the Deputy Matos of Potosi, Captain General Pumacagua, General Angulo, and his brother, the Commandant Munecas, and other partisan chiefs, shot in cold blood, many days after having surrendered as prisoners.

In the district of Valle-Grande they indulged themselves in the brutal sport of cutting off the ears of the natives, and then transmitting a pannier full of them to headquarters; they afterwards destroyed the town by fire, burnt about forty populous villages of Peru, and took a hellish pleasure in shutting up the inhabitants in their houses before setting them on fire, in order that their unhappy victims might be burnt alive.

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They have not only shown themselves cruel and implacable in murdering our countrymen, but they have thrown aside all regard to decency and morality; causing old men of the religious profession, in the public places, and women, to be made fast to a cannon, but first stripped naked, and their bodies exposed to shame.

They have established an inquisitorial system for all these punishments: they have dragged out peaceful inhabitants from their houses, and transported them across the ocean to be tried for pretended offences, and have executed without trial a multitude of citizens.

They have chased our vessels, sacked our sea-coast, murdered defenceless inhabitants, without sparing clergymen, and those in extreme old age; by the order of General Pezuela, they burnt the town of Puno, and, meeting with no others, they put to the sword old men, women, and children. They have excited atrocious conspiracies among the Spaniards residing in the midst of us, imposing upon us the painful necessity of putting to death the fathers of numerous families.

They have compelled our brothers and sons to take up arms against us, and, forming armies by the impressment of the natives of Peru, have compelled them, under the command of Spanish officers, to fight against our troops. They have excited domestic insurrections, corrupting with money and every species of seduction the pacific inhabitants of the country, in order to involve us in a frightful anarchy, and to enable them to attack us weakened and divided. They have displayed a new invention of horror, in poisoning fountains and food, when beaten in La Paz by General Pinelo; and the mildness with which they were treated, when compelled to surrender at discretion, was rewarded by the barbarous act of blowing up the barracks, which had been previously mined for the purpose.

They have had the baseness to attempt to tamper with our Governors and Generals, and, abusing the sacred privilege of flags of truce, they have repeatedly written letters inciting to treason. They have declared that the laws of war, recognised by civilized nations, ought not to be observed towards us; and, with contemptuous indifference, replied to General Belgrano that treaties could not be entered into or kept with insurgents.

Such had been the conduct of Spaniards towards us when Ferdinand of Bourbon was restored to the throne. We then believed that the termination of our troubles had at last arrived; it seemed to us that the King, who had been formed in adversity, would not be indifferent to the miseries of his people. We, therefore, despatched a deputy to him to make known our situation. We could not doubt but that he would give us a reception worthy a benign Prince, and that he would feel an interest in our supplications, as well from gratitude as from that beneficence which the Spanish courtiers had praised to the skies. But a new and before unknown ingratitude was reserved to be experienced by the countries of America, surpassing all example

that the history of the worst of tyrants can present. Scarcely had he returned to Madrid, when he, without ceremony, at once declared us insurgents. He disdained to listen to our complaints, or hearken to our supplications, tendering a pardon as the only favor he could offer. He confirmed in authority the Viceroy, Governors, and Generals, who had perpetrated the bloody deeds before detailed. He declared as a crime of State the having pretended to form a constitution for ourselves, that we might be placed beyond the reach of the capricious, arbitrary, and tyrannic power to which we had been subjected for three centuries; a measure which could displease none but a prince who is inimical to justice and beneficence, and consequently unworthy of ruling.

With the aid of his Ministers, he at once set to work in collecting forces for the purpose of being sent against us. He caused numerous armies to be transported to this country, in order to complete the devastations, conflagrations, and robberies so well begun. He availed himself of the moment when complimented by the principal European Powers, on his return from France, to engage them to deny us every succor, and to look on with indifference, while he was gratifying the cruelty of his disposition in destroying us.

He has established a peculiar regulation for the treatment of American privateers, barbarously ordering their crews to be hanged. He has forbidden the observance towards us of the Spanish naval ordinance, established in conformity with the laws of nations, and he has denied everything to us which we invariably allow to his subjects captured by our cruisers. He sent his Generals with decrees of pardon, which they caused to be published, with no view but to deceive the simple and ignorant, in order to facilitate their entrance into cities and towns; but giving, at the same time, private instructions authorizing and commanding them, after having thus obtained possession, to hang, burn, sack, confiscate, assassinate, and to inflict every possible suffering on such as had availed themselves of such supposititious pardons. It is in the name of Ferdinand of Bourbon that the heads of captured patriot officers have been stuck up on the high-ways; that a distinguished partisan leader has been actually impaled; and that the monster Centano, after having murdered Colonel Gamarco in the same manner, cut off his head, and sent it as a present to General Pezuela, informing him that it was a miracle of the *Virgen del Carmen*. It has been by a torrent of evils and bitter afflictions such as these that we have been compelled to take the only course that remained to us. We reflected deeply on our situation and future fate, and, turning our eyes to every quarter, we were unable to see anything but the three elements of which it must necessarily be composed—opprobrium, ruin, and abject submission. What could America expect from a King, actuated, at the very moment of seating himself on the throne by sentiments so inhuman?—of a King who, previous to commencing his devastations, hastened to prevent the interposition of any other Prince

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to restrain the effects of his insensate fury?—of a King who has no other rewards but chains and gibbets, for the immense sacrifices of his Spanish subjects in releasing him from captivity?—subjects who, at the expense of their blood and of every privation, have redeemed him from a prison, in order to bind his temples with a crown? If these men, to whom he owed so much, thus received death, were doomed to perpetual imprisonment or to base slavery, for no other crime than that of having framed a constitution, what might we not expect to be reserved for us? To hope for a benign treatment from him and from his bloody Ministers would have been to seek among tigers for the mildness of the dove.

Then, indeed, would have been repeated towards us the ensanguined scenes of Caraccas, Carthagena, Quito, and Santa Fe; we should then have spurned the ashes of the eighty thousand persons who have fallen victims to the fury of the enemy, and whose illustrious names, with justice, call for revenge; and we should have merited the execrations of every succeeding generation, condemned to serve a master always disposed to illtreat them, and who, by his nullity on the sea, has become impotent to protect them from foreign invasion.

We, therefore, thus impelled by the Spaniards and their King, having declared ourselves independent, and in self-defence against tyranny, have staked our honors, our lives, and our fortunes. We have sworn before the Supreme Judge of the Universe, that we will never renounce the cause of justice; that we will not permit the country which he gave us to be buried beneath ruins and submerged in blood by the hands of executioners; that we shall never forget the obligations that we owe to save her from the dangers which threaten her, nor the sacred right to require of us all necessary sacrifices to prevent her from being soiled by the foul footsteps of tyrants and usurpers. This declaration is engraven on our hearts, that we may never cease to combat in her cause. And at the same time that we unfold to the world the motives that have induced to this step, we have the honor to make known our desire of living in peace with all, and even with Spain herself, from the moment she thinks proper to accept our offer.

Given at the Congressional Hall in Buenos Ayres, 25th of October, 1816.

DR. P. I. DE CASTRO Y BANOS,

President.

J. E. DE ELEAS, *Secretary.*

D.

Notes which the Secretary of State in the Department of the Government and of Foreign Relations places in the hands of Messrs. the Deputies of the United States of North America, for the information of the President of those States.

The nation is styled the United Provinces of South America.

The number and denomination of each, with

its intendencies and chief towns of districts (*cabezas de partido*) according to the former state of the Viceroyalty, appears in document No. 1.

In 1814, five more provinces were erected, whose names are Tucuman, Mendoza or Cuyo, Corrientes, Entre Rios, and Oriental del Rio de la Plata.

The capitals of the two latter are the town of Concepcion del Uruguay, or Arroya de la China, and the city of Montevideo.

Out of the fourteen provinces into which the territory of the ancient Viceroyalty is now subdivided, there are nine in the hands of the patriots, which are stated in said document under the title of free provinces; and those occupied with troops, or under the influence of the Spanish army, are the other five, whose names are Potosi, Plata or Charcas, Cochabamba, La Paz, and Puno.

In all the territory of the ancient royalty there is but one archbishopric, which is that of La Plata, and six bishoprics, which are stated in said document under the denomination of suffragans.

The territory of the United Provinces contains one hundred and forty-five thousand square leagues; their population, according to the nearest estimate, amounts to one million three hundred thousand, without including the aborigines. Their productions, manufactures, and articles of commerce, will be seen in statement No. 2.

The political state of the provinces called free is quiet and tranquil; they are under the influence of the supreme direction of the States, which resides in Buenos Ayres. They have their Governors in the intendencies, or capitals, Lieutenant Governors in the chief towns, villages, &c. The province of Assumption del Paraguay is an independent State, as also the Oriental del Rio.

The funds, public revenues, and annual expenditures, will be seen in the statement No. 3, with the notes on the same.

The land military force of the united territory appears in the statements Nos. 4 and 5; the latter shows the amount of arms and munitions of war which it possesses in its armies, parks, in its manufactories, and its armory.

The naval force will be seen in the statements Nos. 6 and 7.

The authority of the Supreme Director, of his secretaries, and of the tribunals of justice, are detailed in the provincial regulations, a copy of which is annexed under No. 8.

There is a tribunal of prizes, which is composed of the Secretary of the War Department, the President of the Chamber of Appeals, the Asesor del Gobierno, and the Auditor General of War; there is another tribunal, which takes cognizance of appeals from the decisions of the former, and is composed of the Supreme Director of the State, the Secretary of State for the Government and for Foreign Affairs, and the Secretary of the Treasury. This tribunal takes cognizance also in case of supplication; and all being subject to the *reglamento del corso*, (No. 9,) and other special regulations, which, although

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not appearing in the provincial regulations established by Congress, have notwithstanding been approved by the same.

At the present moment the formation of a constitution for the State is in progress. A committee consisting of members of Congress are assiduously engaged, and will soon present a project of the constitution.

The population of the city of Buenos Ayres, according to the census of 1815, amounted to fifty thousand nine hundred and ninety-nine inhabitants. This census was inaccurate and underrated. Since then the emigration of foreigners has been unusually great, as also the emigration of numerous families from the Banda Oriental and Entre Rios, so that its population is at present estimated at sixty-two thousand souls.

Besides other institutions, this capital has what is called the Colegio Seminario; another institution for the education of youth, called the Union of the South, will be opened on the 25th May next, with a general plan of education, particularly of the languages and sciences; there is also an academy of jurisprudence, one of drawing, four of the study of medicine, and a board for the examination of those who prepare to practice.

There are three printing offices, a public library with twenty thousand volumes, schools for teaching the first elements in every parish; there is a society of men of taste for the stage, another of friends of the country, another of agriculture, a cannon foundry, a manufactory of small arms, one of swords, an armory, three parks of artillery, three powder magazines, and a variety of manufactories in different branches.

The independence of the State was declared at Tucuman the 9th of July, 1816, the Congress being assembled at that place, and there sanctioning it. To obtain its acknowledgment by foreign Powers, communications and invitations have been made to them, and in Europe there is an Envoy Extraordinary to its several Courts—he is Doctor Bernadine de Rivadavia.

These provinces have been *de facto* independent of Spain since the year 1810, when they openly made war upon her in Peru, in Paraguay, and in Montevideo. Early in 1813, as soon as the province of Potosi was taken possession of by the patriots, they coined money there impressed with arms of the State, hoisted the national flag, and took other public steps which were equivalent to the most solemn declaration of the new rank which they assumed.

They armed a considerable number of privateers, which have ruined the Spanish trade, and they have even blockaded some ports in the Peninsula.

It was not the proclamation of independence which gave origin to the rights of the Americans; it merely recognised them as they had before existed, and had been claimed since the memorable epoch of the 25th of May, 1810.

It appears unnecessary to make any further explanations of those facts and circumstances, which, having come within the knowledge of the Commissioners, particularly of late, must have afforded the information desired.

GREGORIO TAGLE.

BUENOS AYRES, April 21, 1818.

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No. 1.

Table of the ancient division of the Viceroyalty of Buenos Ayres.

| Provinces. | Intendencies. | Archbishoprics. | La Plata. |
|--------------|---|---|--|
| Buenos Ayres | Montevideo. Montevideo. Corrientes La Plata. Sta. Fe. Maldonado. Colonía. Villa Rica. | Yampais. Jonina. Palaya and Paspaya suffragans. Oruro. Paria. Carangas. | Paraguay. Sta. Cruz de la Sierra. La Paz. Buenos Ayres. Cordova. Salta. |
| Paraguay, - | Curiguate. Villa Real, Cochabamba. | Sta. Cruz de la Sierra. Valle-Grande. Misque. Eliza. | Buenos Ayres. Paraguay. |
| Cordova, - | Mendoza. Rioja. St. Juan. St. Louis. | Arque; free provinces. Tapicure; including those. Ayopaya, laid off in 1814. Sacaba. | Mendoza. Tucuman. Salta.* Corrientes. |
| Salta, - - | Jujuy. Tucuman. Santa del Estero La Paz. Catamarca. | Paycayas. Sicasica. Onvasayos. Laricayo. | Oriental. Entre Rios. |
| Potosi, - - | Porco. Chayante. Chicas. Tarija. Puno. Lipes. Atacama. | Chulumani. Apolobamba. Lampa. Caravaya. Arangaro. Chicuito. | |

* These are the intendencies and chief towns of subordinate districts; as each one has a number of other districts belonging to it.

Buenos Ayres, April 21, 1818.

TABLE.

No. 2.

Showing the productions, manufactures, and branches of commerce of the free intendencies and their dependencies.

Buenos Ayres.—Grain, hides, tallow, wool, hair, horns. These are an inexhaustible supply of commercial resources; the trade with the Pampas Indians alone, in montas, wool, salt, bridle reins, and feathers, exceeds the sum of \$100,000 per annum.

Paraguay.—Wood of a superior quality, of many varieties; the herb, mani, tobacco, guambe, and peasaba for cables, honey and molasses, dried sweetmeats, sugar, rice, cotton cloths, various kinds of gums and raisins, beautiful birds.

Cordova.—Grain, hides, woollen and cotton cloths, raising of mules and herds, excellent lime, minerals of gold and silver.

Mendoza.—Dried fruits of many different kinds, wines and brandy, grain, cattle, woollen cloths, carriage of goods, and wagons for the transportation of commodities to Chili, Buenos Ayres, and other provinces, minerals of gold.

Tucuman.—Woods, grain, rice, oranges, mani, tobacco, honey, wax, excellent cheese, woollen and cotton cloths, raising of herds, transportation of merchandise, and wagons.

Salta.—The raising of herds, mules, (of which there are annually sent seventy or eighty thousand head to Peru,) grain, sugar, honey, molasses, and brandies, wool of a superior quality, as also of the vacuna, cloths of it, woods, minerals of gold and silver, copper, iron, and tin, sulphur, alum, and vitriol.

Corrientes.—Hides, hair, cotton, agi, mani of different kinds, honey, dried sweetmeats, sugar, charcoal, cotton and woollen cloths.

Entre Rios and Banda Oriental.—Ox hides, horse hides, deer skins, otter and chinchilla skins, tallow, dried and salt meat.

Buenos Ayres, April 21, 1818.

TABLE.

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No. 3.

General Table furnished by the Secretary of the Treasury, in pursuance of the order of the Supreme Director of the State, showing the capitals or funds, and branches which compose the mass of the national revenue, its produce in the year 1817, the expenditures, and the balance remaining in the treasury at the end of the same year, with an account of the other funds and capitals of the State, debts, and credits, viz :

| | Receipts, 1817. | Expenditures, 1817. |
|--|---------------------------|-----------------------------|
| <i>Branches of revenue—1st class.</i> | | |
| Balance in the treasury January 1, 1817,- | \$880 5 $\frac{1}{2}$ | |
| Tenths, and old duty of one and a half per cent. on silver, - | | |
| Sales of land, - | 823 4 | |
| First-fruits of civil offices - | 1,508 7 $\frac{3}{4}$ | |
| Stamp paper, - | 17,563 2 | |
| Tavern licences, - | 16,750 2 | |
| Other treasuries, - | 106,647 4 | |
| Ninths of the State, - | 4,276 6 | |
| Invalidos (or insolvencies,) - | | \$260 5 $\frac{1}{2}$ |
| Bills of exchange, - | 369,427 0 $\frac{1}{2}$ | 369,427 0 $\frac{1}{2}$ |
| Ordinary revenue, - | 885,074 1 $\frac{1}{2}$ | 65,143 5 |
| Receipts of the custom-house, pledged in the same, - | 1,113,102 3 $\frac{3}{4}$ | 1,113,102 3 $\frac{3}{4}$ |
| Receipts of the custom-house, pledged in the same, - | 98,604 6 | 73,988 4 $\frac{1}{2}$ |
| Receipts from the post office, - | 336,890 3 $\frac{1}{2}$ | 336,558 7 $\frac{1}{2}$ |
| Receipts of the police, - | 50,156 2 | 49,484 4 $\frac{1}{2}$ |
| | 3,201,709 0 $\frac{1}{2}$ | 2,007,965 7 $\frac{1}{2}$ |
| <i>Expenditures charged on the mass of the revenue.</i> | | |
| Salaries of civil or political officers, - | | 56,164 3 $\frac{1}{2}$ |
| Salaries of ministers and foreign agents, - | | 9,584 5 |
| Salaries of the military, and expenses of the War Department, - | | 453,050 2 $\frac{1}{2}$ |
| Contingent expenses, - | | 430,853 6 $\frac{1}{2}$ |
| | | 2,957,619 0 $\frac{1}{2}$ |
| <i>Branches of the second class.</i> | | |
| Vacant benefices - | 17,245 3 | 6,509 7 $\frac{1}{2}$ |
| Escheats, - | 1,900 0 | |
| Ecclesiastical first-fruits, - | 75 0 | |
| Ecclesiastical dues, - | 111 5 | |
| Temporalities, or glebes, - | 6,784 2 $\frac{1}{2}$ | 8,959 4 |
| Military fund, - | 812 5 | 11,683 |
| Ministerial fund, - | 4,976 2 | 4,084 5 |
| Surgeons' fund, - | 93 5 | |
| Municipal war, - | | 60 7 $\frac{1}{2}$ |
| Deposites, - | 3,479 6 | 14,306 6 |
| | 3,037,187 5 $\frac{1}{2}$ | *3,003,223 4 $\frac{1}{2}$ |
| <i>Result, or summary.</i> | | |
| Produce of all the branches, 1817, - | | \$3,037,187 5 $\frac{1}{2}$ |
| Expenditures of the same, in the same, - | | 3,003,224 4 $\frac{1}{2}$ |
| Remaining in the treasury, in cash - | | 33,963 1 $\frac{1}{2}$ |
| In deposits, - | | 6,429 2 $\frac{1}{2}$ |
| In capitals of temporalities, placed at interest, redeemable at five per cent. - | | 93,359 3 $\frac{1}{2}$ |
| In good unsettled accounts of former years, - | | 8,554,404 2 $\frac{1}{2}$ |
| Amount in property, good accounts, deposits, and sums at interest, - | | 8,688,156 1 $\frac{1}{2}$ |
| Amount real and personal estate of the commonwealth, - | | 9,310,472 5 $\frac{1}{2}$ |
| In advances made by the State treasuries, - | | 297,078 7 $\frac{1}{2}$ |
| Balance on accounts liquidated - | | 759,889 7 |
| Total of the funds of the State, - | | 19,055,597 5 $\frac{1}{2}$ |
| Debts of the State, - | | 1,438,054 0 |
| Balance in favor of the national fund, - | | 17,617,543 5 $\frac{1}{2}$ |

* Balance, \$33,963 1 $\frac{1}{2}$.

*Condition of South America.**Exposition of the property and funds of the State, in all their various classes.*

| | | | |
|---|---|-----------|----|
| In cash in the treasuries of the State, of the custom-house, post office and police | - | \$33,963 | 1½ |
| In good unsettled accounts of former years | - | 8,554,403 | 2½ |
| Deposites | - | 6,429 | 2½ |
| In capitals of temporalities, at 5 per cent. interest | - | 93,359 | 3½ |
| | | 8,688,156 | 1½ |

In real and personal estate of the Commonwealth.

| | | | |
|--|---|-------------|----|
| By value of the effects in the storehouses of the treasury | - | \$2,263,104 | 1½ |
| By value of amount in custom-house chests | - | 2,233 | 2½ |
| By value of the custom-house and resguardia, and fifteen vessels | - | 12,197 | 0 |
| By value of the marine, and fifteen vessels | - | 188,199 | 0 |
| By value of the public library | - | 158,322 | 3½ |
| By idem of the commissariat of clothing | - | 53,462 | 3½ |
| By idem of edifices belonging to the State, and under the direction of the Secretary of the Treasury | - | 928,625 | 4 |
| By idem of others, in which the State has an interest | - | 70,000 | 0 |
| By idem of mathematical instruments | - | 2,184 | 4 |
| By idem of the articles belonging to the police | - | 24,017 | 2½ |
| By idem of the general of accounts | - | 3,259 | 4 |
| By idem of the proceeds of the post office and the buildings | - | 60,895 | 4 |
| By idem of the Colegio de la Union, temple, and adjacent buildings | - | 2,000,000 | 0 |
| By idem of the edifice which serves as a military prison | - | 45,000 | 0 |
| By idem of the furniture, &c. of the different offices in the fort or government house | - | 15,000 | 0 |
| By idem of the arms, ordnance, and munitions of war, with the armies | - | 460,149 | 7 |
| By idem of the general park in this capital | - | 1,337,876 | 3½ |
| By idem of the cannon foundry | - | 59,312 | 3 |
| By idem of the manufactory of small arms | - | 88,206 | 0½ |
| By idem of the arsenal | - | 307,535 | 0 |
| By idem of military edifices in the capital, and at Ensenada | - | 1,168,981 | 5½ |
| By idem on the frontier | - | 26,000 | 0 |
| By idem of the effects, &c. in the storehouses of the commissariat of war | - | 29,652 | 4 |
| By idem in that of the capital | - | 6,258 | 0 |
| | | 9,310,472 | 5½ |

Advances.

| | | | | | |
|------------------------------------|---|---|---|---------|----|
| Those made from the State treasury | - | - | - | 290,078 | 7½ |
|------------------------------------|---|---|---|---------|----|

Balances on accounts settled.

| | | | | | |
|---|---|---|---|--------------|----|
| On those liquidated by the general treasury | - | - | - | \$62,908 | 2 |
| Same at the custom-house | - | - | - | 454,396 | 4 |
| Same at the post office | - | - | - | 16,039 | 1 |
| Same by the collector of contributions from commerce, from different bodies, incomes, bread, and beef | - | - | - | 176,200 | 0 |
| Same by the debt due from the State of Chili, as far as liquidated | - | - | - | 50,346 | 0 |
| | | | | 759,889 | 7½ |
| | | | | \$19,055,597 | 5½ |

NOTES.

1st. The public lands of the State, which consist of hundreds of leagues in the vast extent of the provinces, and whose value may be estimated at many millions of dollars, are not included in this statement.

2d. The whole of the property and funds exhibited relates only to the province of Buenos Ayres, excluding those of Entre Rios, Sta. Fe, and Corrientes; without making mention of the estimates of the rest, which amount to many millions, in the produce of their peculiar branches and property of different kinds, on account of some of them being occupied by the enemy, and not possessing sufficient data to state the particulars with accuracy; nevertheless, according to the table of estimates made by the general of accounts in the year 1810, taking the whole of the provinces of the ancient viceroyalty, which at present compose the union, it appears that, at that date, the liquidated estimates, without including incomes, lots of ground, capitals at interest, and other funds, but merely the administrable proceeds, amounted to six million eleven thousand eight hundred and two dollars.

3d. No mention is made in this table of the annual revenues of the Cabildo of this capital, which,

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in 1817, amounted to \$367,263, because, as municipal funds, they have their peculiar destination; leaving, however, a considerable residue, which, in case of necessity by the State, may be appropriated to its use, as also those of the other Cabildos of the union, of which, from the distance and shortness of time, it has not been possible to give an exact account.

4th. The amount of public debt acknowledged by the States accrued in former years, until the close of last December, paid during the administration of the present Director, is \$1,135,483 5½.

5th. Although the Post Office Establishment produces, at present, after deducting all expenses, a small balance in favor of the State, this is owing to the franks on ultramarine communications, and the interruption of intercourse with the provinces occupied by the enemy; but, in case of their becoming free, the administration of this capital alone will produce a surplus of \$30,000, and the interior provinces in proportion.

ESTEVAN A. GASCON.

BUENOS AYRES, April 14, 1818.

No. 6.

Table showing the vessels of war of the navy of the State, which are at present in commission.

| Vessels. | Number of officers. | Marines. | Seamen. | Guns. | Muskets. | Pistols. | Cutlasses. | Pikes. |
|-----------------------|--------------------------|----------|---------|-------------------------------------|----------|----------|------------|--------|
| Brig Belen - | 2, commandant and second | 20 | 26 | 12—2 of 18, 8 of 8, 2 swivels | 34 | 12 | 10 | 20 |
| Brig Aranzair - | 2, commandant and second | 24 | 34 | 10—2 of 18, 8 of 8 | 20 | - | 12 | 18 |
| Brig Twenty-fifth May | 2, commandant and second | 18 | 25 | 14—2 of 18, 8 of 8, and 2 car. of 8 | 15 | 25 | 24 | 6 |
| Galvez - | 2, commandant and second | 7 | 22 | 8 of 6—8 | 8 | 4 | - | - |
| Chacabuco - | 2, commandant and second | 10 | 23 | 8 of 8, 10 car. of 10 | 14 | - | - | 16 |
| Cutter Invincible - | 2, commandant and second | 8 | 18 | 8 of 6 | 8 | 3 | - | - |
| Fortune - | 1, commandant | 7 | 17 | 8 of 8 car., 6 of 6 | 9 | - | - | - |
| Felucca St. Martin - | 1, commandant | - | 20 | 1 of 8 | 7 | - | 6 | - |
| Total 8. | 14 | 94 | 185 | 69 different calibre. | 115 | 44 | 52 | 60 |

NOTE.—There are, besides the above-mentioned brigs, the Eol and the Rosario, which are at present engaged in procuring their crews; also, there are two gunboats, a felucca, and a launch employed.

MATTIAS DE ALDAO.

BUENOS AYRES, March 13, 1818.

No. 7.

Statement of the private armed vessels which have sailed from this port since the month of June, 1817.

| | | | | | | |
|----------------------|---|---|---|---|---|-------------------------|
| June 25, 1817, - | Ship Argentinea, - | - | - | - | - | Capt. Hipolito Buchard. |
| August 18, 1817, - | Brig Atrovido del Sud, - | - | - | - | - | Capt. John D. Handell. |
| November 6, 1817, - | Corvette Union, - | - | - | - | - | Capt. John Brown. |
| November 20, 1817, - | Schooner Pueyrredon, - | - | - | - | - | Capt. Diego Barnes. |
| December 6, 1817, - | Brig Independence, - | - | - | - | - | Capt. Juan Grinaldes. |
| January 19, 1818, - | Schooner Tucuman, - | - | - | - | - | Capt. George Wilson. |
| January 3, 1818, - | Schooner Cyripo, - | - | - | - | - | Capt. Adam Pond. |
| February 20, 1818, - | Schooner Buenos Ayres, - | - | - | - | - | Capt. Juan Dester. |
| February 24, 1818, - | Schooner Alerto - | - | - | - | - | Capt. Daniel Chaytor. |
| February 24, 1818, - | Ship Vigilancio, - | - | - | - | - | Capt. George Ross. |
| March 4, 1818, - | Corvette Picado de Buenos Ayres, trading and cruising | - | - | - | - | Capt. Ebenezer H. Atis. |

IRIGOGEN.

BUENOS AYRES, March 18, 1818.

BUENOS AYRES, April 22, 1813.

I send you, gentlemen, the statements and notes which exhibit the present situation of the United Provinces of South America. in order that, with the information they may afford, his Excellency

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the President of the United States of North America may proceed in his steps in relation to these countries in the way most conformable to his high intentions, and to the greater prosperity and aggrandizement of the new world. God preserve you many years, &c.

GREGORIO TAGLE.

Messrs. C. A. RODNEY and J. GRAHAM.

E.

Provisional regulation, sanctioned by the Sovereign Congress of the United Provinces of South America, for the government of the State, to be observed until the adoption of the constitution.

SECTION I.—OF MEN IN SOCIETY.

CHAPTER 1.—*Of the rights which belong to all the inhabitants of the State.*

Art. 1. The rights of the inhabitants of the State are those of reputation, liberty, equality, property, and security.

Art. 2. The first has an acceptance so uniform as to render its explanation superfluous. The second is the good opinion of his fellows, which every man strives to win by the rectitude of his conduct. The third is the right of acting according to the dictates of a man's own will, so long as he neither violates the rights of the public nor those of individuals. The fourth consists in the law being equal to all, preserving alike the rights of the weak and the powerful. The fifth is the right of full and unmolested enjoyment of property. The sixth is a guaranty granted by the State to every one that his rights shall not be violated, unless the conditions be broken upon compliance with which their enjoyment is by law made to depend.

Art. 3. Every inhabitant of the State, be he American or foreigner, citizen or not, shall enjoy these rights.

CHAPTER 2.—*Of the religion of the State.*

Art. 1. The Apostolical Roman Catholic religion shall be the religion of the State.

Art. 2. Every man ought to respect the public worship and the holy religion of the State; the violation of this law shall be deemed an infraction of the fundamental laws of the country.

CHAPTER 3.—*Of citizenship p.*

Art. 1. All the municipalities of the provinces shall form immediately a public register, to consist of two books; in one of which it shall be an indispensable duty to write the names of all the citizens, with a statement of the age and origin of each; in the other shall be written the names of those who have lost the right of citizenship, or are suspended from its enjoyment.

Art. 2. Every citizen shall obtain a certificate, signed by the *alcalde ordinario de primer voto*, and attested by the notary of the municipality, of his enrolment in the register aforesaid; without which evidence he shall not vote at the elections hereinafter mentioned.

Art. 3. Every free man, born and resident in the territory of the State, is a citizen, but shall not exercise the rights of citizenship until he shall attain the age of twenty-five, or be emancipated.

Art. 4. Every foreigner, of the same age, who may have established himself in the country, with the intention of fixing there his domicile, and, having been resident there for four years, shall have become possessed of four thousand dollars worth of property, or, not holding property to such amount, shall exercise some trade, or pursue some occupation useful to the State, shall enjoy the right of suffrage in the assemblies of the citizens, provided he knows how to read and write.

Art. 5. After ten years' residence, he shall be eligible to all public employments, except those of the administration of the Government; but, to entitle him to the right of suffrage, and to render him eligible, he must first renounce all other citizenship.

Art. 6. No European Spaniard shall enjoy the right of suffrage, or be eligible to office, while the independence of these provinces is unacknowledged by the Government of Spain.

Art. 7. With the exception of Spaniards of this class, who have declared in favor of liberty, and have rendered distinguished services to the State; these shall enjoy citizenship, proper letters of naturalization being first obtained.

Art. 8. Those born in the country, of African blood, whose ancestors may have been slaves in this continent, shall have the right of suffrage, their fathers being freemen, and shall be eligible to office, provided they be in the fourth degree from said ancestors.

Art. 9. Those Spaniards and other foreigners who solicit citizenship must first prove their good conduct.

Art. 10. They shall both swear to defend, even to the extent of sacrificing property and life, the independence of the United Provinces of South America against that of the King of Spain, his successors, and the metropolis, and every other foreign Power. The Supreme Director shall have the power to appoint one or more commissioners to administer the oath.

Art. 11. Letters of naturalization shall be granted only to those who have resided four years within the territories of the State, unless eminent merit, distinguished services, or the public weal demands that such residence be dispensed with; it shall be left, for the present, to the wisdom of the Supreme Director to determine when it shall be expedient so to dispense with it.

Art. 12. The proofs of adhesion to the sacred cause of national independence, and other requisites expressed, shall be made before the governors or lieutenant governors of the provinces in whose territories the applicant may reside, with formal hearing before the *sindico procurador*, on being notified by the municipality, and the said governor; and, in default of this, the application

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shall be rejected. The letters of naturalization shall be published in the Ministerial Gazette.

CHAPTER 4.—Of the privileges of citizenship.

Art. 1. Every citizen is a component part of the national sovereignty.

Art. 2. In virtue of which, he has the right of suffrage, and is eligible to office in those cases designated by this provisional regulation.

CHAPTER 5.—Of the several modes in which citizenship may be lost, and its enjoyment suspended.

Art. 1. Citizenship shall be lost by naturalization in a foreign country; by accepting offices, pensions, or titles of nobility from another nation; by the illegal infliction of corporal or infamous punishments; by fraud in a debtor, until the reproach being wiped away, a new qualification be obtained.

Art. 2. Citizenship shall be suspended when a debtor to the State is under execution; by accusation of a crime, provided it be well founded, and the punishment prescribed be corporal or infamous; by being a hired domestic servant; by not holding property, or pursuing some occupation lucrative and useful to the country; by madness or insanity.

Art. 3. Any magistrate who deprives a citizen of his right of citizenship, except for the causes enumerated in article 2, shall be punished by being deprived of his own.

Art. 4. Those judges who shall neglect to convey to the several municipalities information of the names which ought to be erased from the register, mentioned in article 1, chapter 3, in consequence of legal conviction of crime, shall be deprived of the right of suffrage, and be ineligible at two succeeding elections.

CHAPTER 6.—Of the duties of every man in the State.

Art. 1. Every man in the State owes, in the first place, complete submission to the law; doing the good which it enjoins, and avoiding the evil which it prohibits.

Art. 2. Obedience, honor, and respect, are due to the magistrates, as ministers of the law and first citizens.

Art. 3. Every man, unless he be a foreigner, shall cheerfully make all the sacrifices required by the country in its necessities and dangers, not even excepting that of life.

Art. 4. It is his duty to contribute to the support and preservation of the rights of the citizen, and to the felicity of the State.

Art. 5. To deserve the delightful and honorable title of man of worth, being a good father of a family, a good son, a good brother, and a good friend.

CHAPTER 7.—The duties of society.

Art. 1. Society ought to secure to its members the enjoyment of the rights of man.

Art. 2. It ought to alleviate the misfortunes of the citizens, and to use adequate means for their prosperity and instruction.

Art. 3. Any regulation or statute contrary to

the principles established in the preceding articles shall be of no effect.

SECTION II.—OF THE LEGISLATIVE POWER.**CHAPTER 1.**

Art. 1. The legislative power is resident originally in the nation; its permanent exercise, the mode, and its limits, shall be established by the constitution of the State. In the interim, this provisional regulation shall be in force, which shall be neither amended, interpreted, or have any addition made to it, except by the sovereign Congress; two-thirds of its members concurring in the measure, and circumstances demanding its adoption.

Art. 2. Until the constitution makes proper provision, all the statutes and regulations, as well general as particular, of the ancient Spanish Government, which may not be hostile to the liberty of these provinces, nor in contrariety to this provincial regulation and also such of the regulations, made since the 25th of May, 1818, as are in conformity with it, shall subsist.

Art. 3. The Supreme Director of the State, the judges, and public officers of every denomination, may communicate to Congress, and consult with that body, upon the doubts that may occur in the application of the laws and regulations, general or particular, whenever they consider them in conflict with declared rights and the actual system of the Government; and the resolutions adopted in consequence shall be communicated to the executive power.

SECTION III.—OF THE EXECUTIVE POWER.**CHAPTER 1.—Of the mode of choosing the Director of the State, and of his powers.**

Art. 1. The supreme executive power, until by it elsewhere placed, is in the nation, and shall be exercised by a Director of the State.

Art. 2. Until a constitution be adopted, the Congress shall name, from among all the citizens of the provinces, him most worthy and best qualified for so high an office.

Art. 3. In case of the absence of the Director in the defence of the State, or of other legal impediment in the exercise of this office, the Congress shall make suitable provision.

Art. 4. Those citizens who are natives of the country, and who have resided in it at least five years immediately preceding the election, can only be elevated to the Supreme Directorship.

Art. 5. The compensation of the Director of the State shall be twelve thousand dollars annually, and he shall receive no other emolument.

Art. 6. The person filling this office shall continue in it until a constitution be adopted, or until such time, anterior to it, as Congress may deem proper.

Art. 7. His title shall be that of *Excellency*; his guard and honors those of a captain-general of the army, respect being had to the ordinance.

Art. 8. Upon his entrance into office, he shall, before the Congress, or such commissioner or commissioners as they may appoint, assisted by

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all the corporations of the place, take the following oath:

"I, —, do swear, by God, our Lord, and these Holy Evangelists, that I will discharge faithfully, and conformably to law, the office of Supreme Director of the State, to which I have been appointed; that I will observe the provisional regulation adopted by the sovereign Congress, the 3d of December, 1817; that I will protect the Apostolical Roman Catholic religion, being ever watchful to secure it respect and observance; that I will defend the territory of the provinces of the Union against all hostile aggression, adopting such measures as I may deem suitable to preserve its integrity and independence; and I will retire from this office when the sovereign Congress shall so order. If I do thus, God prosper me; if not, to him and my country will I be accountable."

Art. 9. He shall watch over the execution of the laws, and the right administration of justice, urging its functionaries thereto, and to the carrying into effect the regulations of Congress, giving for the last object the necessary orders.

Art. 10. He shall submit to the consideration of the national representatives projects and reforms conducive to public happiness.

Art. 11. He shall be commander-in-chief of all the forces of the State, and shall have under his orders the navy, the army of the line, and the national militia of every description, for the protection of civil liberty, the defence, tranquillity, and good order of all the territory of the Union.

Art. 12. He shall be the organ, and shall represent the United Provinces, for the purpose of treating with foreign Powers.

Art. 13. When he deems a rupture with any foreign Power inevitable, he shall submit to Congress the causes which impel to it.

Art. 14. If, upon a view of these, or for other reasons, Congress should decree war, the Supreme Director shall proceed to its solemn declaration, being authorized to raise land and sea forces, to direct their movements, and to adopt all the measures necessary to the common defence and the annoyance of the enemy, respect being always had to article 4, chapter 1, section 6, of the army and navy.

Art. 15. He shall have the power of commencing, conducting, and signing treaties of peace, alliance, commerce, and other foreign relations, which, however, to be valid, must be approved by the Congress within the time stipulated for their ratification, he transmitting in this stage of the negotiation all the documents relating to it.

Art. 16. In those cases in which secrecy is not essential to the happy result of negotiations, he shall submit to Congress their object and their state, to procure from this body such assistance as may facilitate them.

Art. 17. He shall receive the ambassadors, envoys, and consuls of other States, and shall nominate those whom it may be proper to send to foreign courts.

Art. 18. He shall appoint to all military offices and employments, generalships of the army, and

naval forces, conforming to the existing ordinances of the army and marine, so far as they may be applicable.

Art. 19. He shall have the power of rewarding meritorious officers by promotion, and by bestowing medals of such form and design as he may deem best, without any allowance in money, however, independent of the pay.

Art. 20. He shall have the general superintendence over all the branches of the national property and revenues, over mints, mines, posts, and highways.

Art. 21. He shall appoint for the present to all offices vacant in the cathedrals of the United Provinces, and to all other benefices to which may pertain the right of presentation.

Art. 23. He may suspend public officers for just cause, giving afterwards an account to Congress.

Art. 24. If the suspension be merely for reasons of policy, the sovereign Congress itself shall take it into consideration.

Art. 25. If it be for imputed criminality, the sovereign Congress shall appoint a commission, which shall not be of their body, before which the *agente de la camara* shall accuse the person suspended; and the said commission, having heard the parties, shall declare whether or not he deserves to be removed from office.

Art. 26. He shall have the power of removing officers to other offices; and if, in consequence, they should be greatly prejudiced, they may bring the affair before Congress.

Art. 27. He shall nominate the three Secretaries—of State, of the Treasury, and of War, and their several officers; being responsible for the bad selection of the first.

Art. 28. He shall grant passports for travelling from the provinces of the State by sea and land, and licenses for the loading, unloading, and departure of vessels.

Art. 29. He shall be particularly careful to preserve unimpaired the credit of the State, being attentive to the collection of its revenues, and to the faithful payment of its debts, to the extent its exigencies will admit.

Art. 30. He may, of his own authority, expend freely the said revenues in defence of the State, during the war it is now waging for independence, with previous information in writing from the Secretaries of the Treasury and of War.

Art. 31. He shall confirm or revoke, in conformity to the opinion of his *asesor*, (who shall be the auditor general of war,) sentences passed on individuals by the military tribunals established in the armies, or in the capital, or by the ordinary councils of war in the other towns of the districts.

Art. 32. He shall have the power of suspending the execution of the capital sentences, of pardoning or commuting punishments on the anniversary of the national independence, or on the occurrence of any signal event, which shall augment the glory of the State, hearing first the information communicated by the tribunal before which the convict has been tried.

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Art. 34. He shall every year transmit to the national representation an exact statement of all the receipts into the different treasuries of the State, and of the municipalities of the several provinces, in money or in credits, together with the expenditures, debts, and credits, giving timely orders to those who ought to prepare said statement.

Art. 35. The orders of the Supreme Director shall be obeyed exactly in the whole extent of the United Provinces.

Art. 36. He shall grant letters of naturalization for the present, and until a constitution be adopted.

CHAPTER II.—*Limits of the Executive Power.*

Art. 1. The Supreme Director shall not send expeditions by water, or by land, against any of the provinces in Congress united, or others of this continent who are engaged in sustaining their independence, without the consent of Congress previously obtained.

Art. 2. He may, nevertheless, do so in those cases in which it is absolutely necessary to act promptly, giving afterwards a particular account of such proceedings to the Congress.

Art. 3. He shall, in no case, hold command of a particular regiment.

Art. 4. He shall not exercise any jurisdiction, civil or criminal, in virtue of his office, nor upon petition of the parties; he shall not alter the system prescribed by the law for the administration of justice.

Art. 5. He shall in no way, interfere with the causes cognizable by the tribunals of justice, either when pending, or when sentence has been pronounced, or carried into execution.

Art. 6. When the urgency of the case compels him to arrest any citizen, he shall, within the third day after, place him at the disposal of the proper officers of justice to await their judgment; giving, at the same time, a full statement of the motives of the arrest, and all other circumstances connected with it.

Art. 7. With the exception of those cases in which a compliance with what is required in the preceding article would endanger the public security, in which case he shall hold the arrested in custody, with the consent of his assessor, and the fiscal of the chamber of appeals, who shall share with him the responsibility for the time necessary to take the requisite measure for safety, placing him then at the judge's disposal.

Art. 8. He shall neither impose new taxes, contributions, nor loans, nor augment those subsisting, directly or indirectly, without a previous resolution of the Congress.

Art. 9. He shall issue no order, nor make any communication, without the previous subscription of the secretary of the department to which the business belongs; in defect of which subscription, the order of communication shall be void.

Art. 10. He shall not grant to any person in the State monopolies, or exclusive privileges, except to the inventors of arts, or to establish-

ments of public utility, with the approbation of Congress.

Art. 11. The epistolary correspondence of the citizen is a thing sacred, which the Director shall neither violate nor intercept without incurring responsibility.

In cases, nevertheless, of well-founded fear of treason, or subversion of the public order, at the discretion of the Director, the Secretary of State and *Síndico Procurador de Commun*, who, in this case, shall each have a vote, being bound to secrecy and under equal responsibility, the former shall have the power of proceeding, with his said associates, to open and examine correspondence. The same power, under the same responsibility and like obligation to secrecy, in the governors and lieutenant governors of the several provinces, with their secretaries and *síndico procuradores*; in defect of whom the two first capitulares shall act.

Art. 13. Those who upon a scrutiny, as aforesaid, of correspondence shall appear to be guilty of the crime of treason, or subversion of public order, shall be proceeded against, and secured according to the greater or less imminence of the danger.

Art. 14. Except in the cases mentioned in article 30 of the preceding chapter, the Director shall not dispose of the funds of the State for extraordinary expenses, without the previous consent of the three secretaries, the assessor general, and the fiscal of the *camara*, and without its being made appear before the *escribano de hacienda* that the expenditure proposed is useful and necessary.

Art. 15. He shall not exercise the prerogative given him in article 32 of the preceding chapter, in case of treason, and other excepted cases.

Art. 16. He shall not bestow any office, civil or military, upon any person related to him in the third degree of consanguinity, or in the first of affinity, without the knowledge and approbation of Congress.

Art. 17. With the exception of those who, being already in service, may have been recommended for promotion by their respective chiefs, respect being had to seniority according to their merits.

Art. 18. He shall not confer the grade of brigadier, or of colonel-major, without the knowledge and approbation of Congress.

Art. 19. Excepting the case in which, for some brilliant action in war or extraordinary military service, it may be proper to reward immediately a chief whose grade is next to one of those abovementioned.

CHAPTER III.—*Of the Secretaries of State.*

Art. 1. The three Secretaries of State shall discharge all the duties assigned them in the last ordinance regulating their offices, which shall be in force, except where in contrariety to these articles.

Art. 2. They shall not, in any case, business, or circumstances, deliberate without the previous order and notification of the Director.

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Art. 3. They shall have the power of communicating, of themselves, the orders issued by Government in the affairs of men, or importance, being bound to make an entry thereof in the book of entries, as is provided.

Art. 4. They shall not attest decrees or regulations, contrary to the provisional regulation, not even at the request or command of the Director; if compelled so to do, they shall make proper protests, and give immediate information of the affair to Congress.

Art. 5. They shall be removable at the will of the Director, equally with their subordinate officers.

Art. 6. When the removal is in consequence of inability, want of competent information, or any other defect compatible with integrity, they shall be indemnified with other employments suitable to their circumstances and merit. They shall incur no stigma by such removal.

Art. 7. When any one of these secretaries is removed for malversation, or upon petition of a party aggrieved, Congress shall take cognizance of the case.

Art. 8. The Supreme Director may, *ex officio*, or upon accusation, proceed summarily against the secretaries, giving an account of the proceeding to Congress.

Art. 9. For the trial of the secretaries, Congress shall appoint a commission, either of their own members, or of others, or it shall be appointed by such other body as they may substitute.

Art. 10. Sentence of acquittal, pronounced by the commission, shall not necessarily be followed by a restoration to office.

Art. 11. The secretaries may, for good cause, challenge the commissioners, and they may appeal from the sentence to three individuals, to be chosen out of nine, whom the Congress, a second time nominating, shall appoint.

Art. 12. The salary of these secretaries shall be three thousand dollars annually to each; the official title "señor."

SECTION IV.—OF THE JUDICIAL POWER.

CHAPTER I.

Art. 1. The judicial power is in the body of the nation, until by them elsewhere placed; it shall be exercised for the present, and until a constitution be adopted, by the court established in article 14 of the following chapter; by the courts of appeal (*las camaras de apelaciones*), and by the other judges. For those cases which have no court assigned by the law, Congress shall provide.

Art. 2. The judicial power shall be entirely independent of the executive and its principles; its form and extent shall be subject to the laws by which it is established.

CHAPTER 2.—Of the Courts of Justice.

Art. 1. The courts of appeal (*las camaras de apelaciones*) shall have the same territorial jurisdiction as heretofore; shall be composed of five individuals, and one fiscal; when united in a body, shall have the title of excellency, (*exce-*

lencia), individually, that of *usted* simply; their salary shall be fifteen hundred dollars each, free from payment of first-fruits, (*media annata*), and all other charges.

Art. 2. The presidency of the courts in the interior, and at certain public assemblages, shall be held in turn by the five members every four months, according to seniority; the president shall take the votes, attend to the despatch of business, preservation of order, exercising all the powers of the ancient *regentes*, so far as they conform to this provisional regulation, and shall have the title of *señor* in official matters.

Art. 3. No one hereafter shall be named, even provisionally, for any of the offices of the courts of appeal, unless he be more than five-and-twenty years of age, and a lawyer who has practised at least six years.

Art. 4. When vacancies happen in these courts, no nominations of persons to fill them shall be made by the Director; in each vacancy, four persons being selected by the same tribunals from among the lawyers of the district, after examination and comparison of talents and services, and proposed to him.

Art. 5. The numerical order in which the aforesaid four persons are proposed shall give no preference; two of these shall be from the place where the court sits, the remaining two from other parts of the district.

Art. 6. These offices shall be holden during good behaviour, but there may be removal from one court to another; and these officers shall be subject to scrutiny in their conduct every five years, or oftener, if justice should require it.

Art. 7. The court shall have two *relatores*, to be chosen after competition had; the salary of each shall be fifteen hundred dollars, and they shall have no other emolument.

Two assistants, one of the law civil, the other of the law criminal, dividing between them the business relating to the public revenues at the discretion of the fiscal. The salary of each shall be twelve hundred dollars, without the ancient perquisite of *vistas* (presents.)

Two bailiffs, (*porteros*), who shall each have a salary of five hundred dollars, and who shall execute alternately for a week the office of *alguacil*.

Six attorneys, (*procuradores*), whose intervention shall extend, when parties choose, to the subaltern judges of original jurisdiction, but not to the consulado; and the *juzgados de algadas* y *disputaciones de comercio*.

And two notaries, (*escribanos*), who shall only receive fees for services actually rendered, according to the regulation, (*arancel*), without those called *tiras*,* which are henceforth forbidden.

Art. 8. They shall take cognizance, not only of all causes and business of which according to prior laws, the now abolished audiences had cognizance, but also of such as the provisional regulation designates.

* Fees paid when appeals were taken.

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Art. 9. Appeals from the decrees of the *tribunal de alçadas de comercio*, because of their nullity or notorious injustice, shall be decided in the aforesaid courts of appeal (*camaras*.)

Art. 10. The trial of appeals (*alçadas*) shall be taken in turn by the members of the court of the district in which the appeal occurs.

Art. 11. Questions that may occur between the ordinary and mercantile jurisdictions shall be decided by the aforesaid president, (*camarista presidente*), conforming to the character by which the consulado is established.

Art. 12. They shall take cognizance, for the present, of first appeals in cases of smuggling, and other branches of the revenue, leaving their trial, in the first instance, to the intendentes de provincia; but in cases of capture, or detention of vessels by public or private armed ships, the cognizance shall continue in the tribunals in which it is already vested.

Art. 13. When a second appeal is taken, because of nullity, or notorious injustice, the courts, after hearing had, shall transmit an account of the proceedings, with the documents, to the Director.

Art. 14. Who, with the advice of his assessor general, (*asesor general*), shall nominate immediately a commission of five lawyers, who shall decide the cause, and, having done so, shall be dissolved. While exercising this office, they shall have the title of *excellency*.

Art. 15. There shall be named by the Director of the State, in the capital of every province, upon the recommendation under oath of its court, a lawyer, who shall exercise the function of judge of appeals throughout the said provinces.

Art. 16. His salary shall be eighteen hundred dollars, free from first-fruits and other charges.

CHAPTER 3.—Of the Administration of Justice.

Art. 1. Justice shall be administered according to the principles and method which have been heretofore observed, so far as is compatible with the subsequent provisions.

Art. 2. The judges of appeals in the several provinces shall take cognizance of all appeals in civil cases from the ordinary *alcaldes* and other ministers of justice.

Art. 3. Appeals to the *camaras*, to the full extent given by law, shall be allowed to those interested in all cases, except those in which the amount of property involved is one thousand dollars, or less, when two similar sentences shall be conclusive.

Art. 4. They shall have cognizance of criminal causes of every kind, referring to the courts of appeal (*las camaras*) those which, according to law, ought to be referred to them.

Art. 5. Parties in the said causes shall have the privilege of resorting directly to the courts of appeal, (*las camaras*), passing by the provincial judge.

Art. 6. The ordinance of the 20th April, 1812, shall be abolished.

Art. 7. In criminal cases the accused shall have the privilege of choosing a person to assist him,

(*padrino*), who shall be present at his confession, and at the examination of the witnesses, without prejudice to the lawyer established by law, and the practice of the courts.

Art. 8. The assistant mentioned in article seven shall take care that the confession and depositions of the witnesses shall be heard by the notary or judge, clearly and distinctly, in the terms in which they may be expressed, without modification or alteration; assisting the accused, whenever, from fear, want of intellect, or other cause, he is unable, unassisted, to make himself understood.

Art. 9. Criminal causes of all classes, which may be pending without this new mode of defence, shall be prosecuted according to the usual course of law.

Art. 10. The taking of oaths shall be restored without innovation in all cases, except that of the accused's confession of his own criminality.

Art. 11. Sentences to hard labor, to whipping, or a banishment, shall not be executed without previous consultation with the courts of appeal, (*las camaras*), under the penalty of two thousand dollars, and perpetual disqualification to be inflicted upon the judge violating this important article.

Art. 12. Except in those extreme cases in which the public safety is so greatly endangered by popular commotion, or other cause, as not to admit of executions being deferred; information being always given to the *camaras*.

Art. 13. All sentences in criminal causes, to be valid, must be pronounced according to the express letter of the law. The infraction of this article shall be a crime in the magistrate, punishable by the payment of costs, and all losses incurred in consequence.

Art. 14. By the last article, it is not intended to repeal the laws authorizing the infliction of punishment, at the discretion of the judge, according to the nature and circumstances of the offence; neither is it intended to re-establish any others which, from their cruelty, have been abolished, or softened by the practice of the superior tribunals.

Art. 15. No individual shall be arrested without semi-plenary proof of guilt, at least, which shall be stated in the previous process.

Art. 16. At the end of the third day the accused shall be informed of the cause of his arrest; and if the judge arresting be not authorized to take any further steps in the case, he shall refer it to the officer to whom its recognizance belongs.

Art. 17. No accused person shall be prevented from taking the sacrament after his confession, nor at any time for more than ten days, without just cause, which shall be entered of record; information of the obstacle to his communicating being given to the accused every third day while it continues.

Art. 18. Persons being for safe-keeping, and not for the punishment of the accused, whatever, under the pretext of securing, serves only maliciously to harass, shall be punished by the supe-

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rrior tribunals, and proper indemnity being given to the aggrieved.

Art. 19. To decree arrest, seizure of goods, and examination of papers, against any inhabitant of the State, his name, or the marks which distinguish his person, and the object of the proceeding, must be mentioned in the decree.

Art. 20. When goods are seized, an inventory shall be carefully made of them in the presence of the accused; a duly-attested copy of it shall be given to him, and they shall be placed for safe-keeping in the custody of the notary employed in the case; or, in defect of him, of the judge decreeing the seizure, and two witnesses.

Art. 21. When, at the time of seizure, it is impracticable to make the aforesaid inventory, the goods shall be secured under two keys, one of which shall be taken by the judge, the other by the accused. When this is not practicable, the chests shall be closed and sealed in his presence; and the doors of the house, as soon as circumstances will admit, shall be opened in his presence, and the inventory made.

Art. 23. When the seizure must be made in the presence of the accused, the judge shall name a respectable and substantial citizen, who shall act for him, and be recompensed in proportion to his labor; but if the absence of the accused arises from sickness, he shall appoint such person as he pleases as his substitute.

Art. 23. The judge or deputy arresting any citizen, (not being taken in the act,) without conforming to article fifteen of this chapter, shall be removed. He who fails to do what is prescribed when goods are seized shall be responsible to the owner, and make good any loss accruing in consequence.

Art. 24. The *tribunal de concordia* being abolished, the judge having original jurisdiction, before taking cognizance of a cause, shall use all possible means of reconciling the parties.

Art. 25. Notaries shall serve personal notices on the parties, who are to subscribe them. In case of resistance, or incapacity to sign, the service shall be supplied by a witness, with a statement of the defect.

Art. 26. If the notary shall not find the party to be notified at his house, he shall seek him there twice more; if then he does not find him there, he shall leave a paper signed by him, which shall contain the decree or other matter he goes to serve; and it being made to appear in the process that due diligence has been used to execute it, the same effects shall result as if the party had been personally notified.

Art. 27. Every omission of the notaries, in a matter so interesting, shall be punished by the judge before whom the cause is pending, according to the enormity and other circumstances of the case.

CHAPTER 4.—*Of the Governors of Provinces.*

Art. 1. The governors and lieutenant governors shall not, in virtue of office, have any jurisdiction, civil or criminal, retaining however all the powers relating to revenue, police, and war.

Art. 2. The code of the intendencies shall be observed by them and all others to whom it relates, save only what relates to the junta superior de hacienda, which shall be abolished, and also what may be contrary to this provisional regulation.

Art. 3. Neither the governors nor lieutenant governors shall use the power which the fifteenth article of the said code gives for confirming the decrees of the Cabildos.

Art. 4. In those cases however of well-founded fear that the public order will be subverted by executing said decrees they may suspend them, being responsible should the Director not previously approve the proceedings.

Art. 5. All that is prohibited in chapter two, section three, to the Supreme Director of the State, shall be also forbidden to the governors and lieutenant governors, so far as it is applicable to their respective offices.

Art. 6. The office of deputy assessor of the intendencies, established by the code mentioned in article two, shall be suppressed. Those who have obtained this office shall be attended to by the courts (*camaras*) in their recommendations for other employments.

Art. 7. The governors while in office shall appoint as secretaries such persons as they please, who must however be lawyers, and who shall assist them in the departments of Government enumerated in article one of this chapter. They shall, when they have thus nominated, inform the Director, that he may grant proper commissions.

Art. 8. The salary of such secretary shall be for the present twelve hundred dollars a year, including the six hundred provided by the code mentioned in article two for the expenses of the secretaryship, free from first-fruits and other charges.

Art. 9. No public officer of the Government mentioned in the chapters of this section shall receive any emoluments, except in case of services rendered in defect of the notary, other than those assigned by law to his office.

SECTION V.—THE MODE OF CHOOSING PUBLIC OFFICERS.

CHAPTER 1.—*Of the manner in which the Governor, Lieutenant Governor, and Subdelegados, shall be chosen.*

Art. 1. Governors, lieutenant governors, and subdelegados, shall be appointed by the Director of the State, from the lists of persons eligible, either within or without the particular province, which the several Cabildos, the first month after election, shall form and transmit to him.

Art. 2. These lists, which shall be printed, shall not contain more than eight nor less than four persons for each province.

Art. 3. Of those comprehended in one list, no more than two shall be chosen, unless a third should be included in the lists of another province.

Art. 4. The appointments of subdelegates of districts having a numerous population, without Cabildos, shall be made provisionally, until municipalities are established in them.

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Art. 5. The aforesaid officers shall hold their offices for the term of three years; at the expiration of which they shall be subject to scrutiny into their conduct, (*residencias*.)

Art. 6. The salary of governors of provinces, in territory actually free, shall be three thousand dollars, and that of lieutenant governors two thousand.

Art. 7. If any individual, by artifice, intrigue, bribery, or other unlawful means, procures the insertion of his name on the aforesaid list, it shall be erased therefrom by the Director of the State, and he shall be declared incapable of holding any office, there being sufficient evidence of his guilt.

Art. 8. If the capitulares are in any way delinquent in forming the said lists, they shall incur the punishment in the last article mentioned.

CHAPTER 2.—*Election of Cabildos.*

Art. 1. Election to deliberative offices (*empleos consples*) shall be by the people in the cities and towns where Cabildos are established, but the notifications to electors shall not extend to those who reside beyond their precincts.

Art. 2. The citizens, nevertheless, of the vicinity and county, in the exercise of the rights of suffrage, may vote if they so think proper, at said election.

Art. 3. The city or town shall be divided into four sections, in each one of which the citizens comprehended in it shall vote for as many electors as correspond to the number of inhabitants in said district, in the proportion of one elector to every five thousand souls.

Art. 4. In the cities and towns whose population may not be sufficient for the appointment of five electors, five shall however necessarily be chosen, each votable voting in his own section for such persons as he deems proper.

Art. 5. At this election shall preside a capitular, associated with two *alcaldes de vaimo* and a notary, or, in defect of him, two inhabitants of the vicinity, in the quality of witnesses; and it shall be holden on the 15th day of November.

Art. 6. The votary being concluded in the several sections, all the votes shall be collected in the sala capitular; and, being publicly counted by those who have presided as aforesaid, associated with the *alcalde de primer voto*, those shall be elected who have a majority in their favor.

Art. 7. The electors shall meet on the 15th of December, in the same sala capitular, to make the election for the ensuing year; and it being made, they shall notify the elected, in order that they may be ready to enter upon their offices as soon as the term of service of the Cabildo they are to succeed expires; information being given to the Governor and to the Director of the State.

Art. 8. The Cabildos, the second day after entering into office, shall elect the *alcaldes de barrio, hermandad, and pedaneros*, who may be necessary to maintain order and administer justice, according to the powers vested in them, in all the curacies and departments of the country comprehended in their respective territories.

Art. 9. They shall form a book for the said elec-

tions, which shall be made to fall upon persons of the best repute for talents and integrity, residents in the vicinity, and who know how to read and write; and they shall transmit a list of the persons elected to the governor or lieutenant governor of the province, for his information.

Art. 10. They shall appoint an assessor, (*letrado*), who must be of the corporation, and one of the *alcaldes ordinarios*.

Art. 11. The Cabildo shall establish the salary of the assessor, it being charged upon the funds of the municipality, if it has not been previously established; when such funds are inadequate, information shall be given to the Supreme Director, in order that he may make proper provision.

Art. 12. The governors, and lieutenant governors, and Cabildos already established, under the highest responsibility, shall be required to inform the Congress of the places in which, from their possessing the requisite population, it may be proper to erect new corporations, with the titles of cities or towns.

CHAPTER 3.—*Mode of appointing Ministerial Officers.*

Art. 1. Those public officers who are required to be lawyers, with the exception of the *asesores de Cabildo*, and *secretarios, asesores de intendencias*, shall be nominated by the Director, upon the recommendation, under oath, of the courts of appeal for the respective districts. The order in which persons may be named in the aforesaid recommendation shall give no preference.

Art. 2. Recommendations for appointments to military offices of every grade and description shall be strictly made according to the order and scale which the *ordenanza general del exercito* prescribes.

Art. 3. Appointments to offices relating to revenue, police, dockyards, manufactories, the office of captain of the port, and the like, shall be made by the Director, upon the recommendation of their respective chiefs, according to seniority, when there is an equality as to ability and services.

Art. 4. The list of persons recommended shall be published by the chief recommending in the office or department where the vacancy happens, at least eight days before he transmits it to the Director, that opportunity may be afforded to those aggrieved by it to obtain suitable redress.

Art. 5. When his interposition is proper, the Director shall interpose, and, proceeding summarily, declare the recommendation just, if he so finds it, and go on to nominate, or return it to the chief making it, to be amended.

Art. 6. In commissions, the qualifications and condition of the person commissioned shall always be expressed; without which, he shall not be enrolled in the tribunal of accounts and the offices which belong to it, nor receive the salary to which he would be otherwise entitled.

Art. 7. Appointments to the offices of chiefs of every description shall be made by the Director, respect being had to the right of choice in those in the vicinity where the vacancy happens, (if such right exist,) and timely information being

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given, as far as the public interest will admit; the Director shall be responsible for the bad selection of the said chiefs.

Art. 8. All other offices in the State, the appointment to which is not by law otherwise vested, shall be open to the Director, to be filled by him with such citizens as he may deem most suitable.

Art. 9. All ministerial offices shall be holden during good behaviour.

CHAPTER 4.—Of the mode of electing the Deputies from the Provinces to the General Congress.

Art. 1. Prior to the meetings of the primary assemblies, (*asambleas primarias*), to be holden for the election of the deputies of the provinces, there shall be taken an accurate census of all the inhabitants of each district, unless it has been already done, at least eight years from the present time, with a statement of that portion of the population inhabiting cities, towns, and villages.

Art. 2. The primary assemblies in the cities and towns which have municipalities shall be held in four sections, in each of which shall preside one member of the municipality, and two *juezes de barrio*, of the greatest probity, assisted by a notary, if there be a competent number of these officers; if otherwise, in the presence of two witnesses.

Art. 3. In every section, the votables shall vote for so great a number of electors as shall correspond to the total of population, in such manner as that there shall be one elector for every five thousand souls; but if the city or town does not admit of division into four sections, all the citizens shall vote in one place.

Art. 4. In the country the same proportion shall be observed at elections, but the method as to the sections shall be different.

Art. 5. In every primary assembly there shall be sections, and each citizen shall vote therein for an elector.

Art. 6. The principal judge of the curacy, and the curate, with three neighbors of probity to be appointed by the municipality of the district, shall meet at the house of the first, and shall receive the votes as they are given in, depositing them immediately in a small chest under three keys, which shall be distributed between the judge, the curate, and one of the aforesaid neighbors.

Art. 7. The vote may be given either verbally or in writing, open or closed, as may be most agreeable to the voter; in it he shall name such person for the office of elector as he shall think proper.

Art. 8. The voter, after he has given in his vote, and, if verbally, after its insertion in a schedule, shall retire; the judge shall attend particularly to this, to prevent confusion and altercation.

Art. 9. If any one be charged at such election, or afterwards, with either offering or taking a bribe, he shall immediately make verbal defence before the five judges of the section; the accuser and accused being confronted, and the charge

being substantiated, he shall forever after be incapable of voting, and be ineligible to any office; false accusers shall suffer the same punishment as those they accused would have done had the charge been substantiated.

Art. 10. The voting shall positively be concluded at the end of two days. The votes of each section shall remain shut up; and the following day the *alcalde*, with two of the three associated neighbors aforesaid, shall take the chest containing them to the *seccion de numero*, the curate then delivering that key which was intrusted to him.

Art. 11. The district of united curacies, which shall include in its territory five thousand souls, shall be the *seccion de numero*.

Art. 12. If there should be no town in the district of the *seccion de numero*, the municipality of some neighboring territory shall designate the curacy, which shall be the head of the section, preferring always the most populous and deciding questions which may arise in it.

Art. 13. To the head of the *seccion de numero* shall be brought the chests of the *secciones de proporcion*, and they shall be received by the judge, the curate, and the three associated neighbors aforesaid, who, opening them, shall count the votes, declaring and certifying the majority. All this shall be done publicly.

Art. 14. Those chosen electors shall be informed of their election, and shall immediately repair to the place where the electoral assembly is to be held.

CHAPTER 5.—Of the Electoral Assemblies.

Art. 1. The electoral assembly shall meet in the town-house of the city or town which has a municipality, where they shall assemble on the day appointed, according to distance and other circumstances, without delay.

Art. 2. The governor, lieutenant governor, or subdelegado, who may be at the head of the municipality, shall preside at the first act of the electors, which shall be to nominate a president from among themselves to preserve order. He having the majority of votes shall be president; and, upon his election, the president *pro tem.* shall give place to him, and retire immediately.

Art. 3. The proceedings of the electoral assembly shall be put in writing by the notary (*escribano*) of the municipality; and this assembly shall only have the power of doing, previously to the business for which they are chosen, such things as are necessary to establish the regularity and validity of its election, without occupying for such purpose more time than is necessary, or four and twenty hours.

Art. 4. It shall proceed immediately to the election of deputies for the Congress, and the election shall result, for the present, from a simple plurality of votes.

Art. 5. If the case should be such that, by the scattering of votes, and adherence to them after the third voting, no simple majority results, then those between whom there is an equality of votes shall draw lots, and this shall decide.

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Art. 6. No elector shall vote for himself. Within three days the election shall positively be concluded, and the result published. The president shall immediately inform each person selected of his election, transmitting a proper certificate, authenticated by the notary, of the fact.

Art. 7. As the number of deputies to form the General Congress must depend upon the census spoken of in article 1, chapter 4, there shall be such regulation that for every fifteen thousand souls there shall be one representative named.

Art. 8. Should there be any fractions, the following rules shall be observed: 1. If, in the section de numero, there should be any fraction not exceeding two thousand five hundred souls, only one elector shall be voted for; but, if it exceed that number, two. 2. If, in the district of fifteen thousand souls which each deputy shall represent, there should be any fraction exceeding seven thousand five hundred souls, there shall be named for them in the electoral assembly one deputy; but, if the fraction should be less, they shall not have such additional representative, but be considered as represented by the deputies of the provinces.

Art. 9. Each province may lessen the number of its representatives, conferring the necessary powers and giving the proper instructions to those they may deem sufficient, if the want of sufficient funds, distance, or other just cause, prevent their naming the number adequate to their population, with the express condition that in such powers the cause of the diminution be stated.

Art. 10. No one while in the office of representative shall hold any other public office, employment, or commission. If he accept any other, he shall lose the first; but if his constituents, after his so losing it, re-elect him, he may, in this case, hold the two offices, exercising the last by deputy.

SECTION VI.—OF THE ARMY AND NAVY.

CHAPTER 1.—Of the Marine and Regular Troops.

Art. 1. In all that relates to the naval forces, the last ordinance of marine (*ordenanza de marina*) shall be observed, so far as it is conformable to the actual circumstances of the State.

Art. 2. The Director shall have the whole military authority, and be commander-in-chief of the navy, the army, and the militia; he shall appoint a commandant of each, the *estado mayor* general serving at present in lieu of them.

Art. 3. The provision in article 3, of the limits of the executive power, shall extend equally to the chief of the *estado mayor* general and the generals of the army.

Art. 4. New regiments shall not be created while those already created are not filled up.

Art. 5. The supernumerary officers of all descriptions, who, at different epochs of the Government, may have been dismissed from active service, either with reason or without, (which shall be ascertained,) upon declaration of their readiness to serve, shall be classed for appointments to vacancies in their regiments, without prejudicing those actually serving in them, or to

other vacancies suitable to the circumstances of the individual.

Art. 6. If the supernumeraries in the preceding articles mentioned should have received whole pay, or half, or one-third, the Directors of the State shall require from the officers of the treasury a catalogue of them, and the orders that may have been received for their payment, correcting them according to what results from the provision in said preceding article.

Art. 7. Until there be a complete regulation on this head, there shall be no appointment to offices of profit except those of *escala natural* in the regiment, upon the recommendation of their respective chiefs, according to the ordinance, and through the medium of the *estado mayor* general, to whom the scale of classification, mentioned in article 5, shall be sent, that it may appear who are in service, and who are not.

Art. 8. Until the establishment of the uniform systems mentioned in article 17 of this chapter, the tribunal militar, established under the regulation under which it was governed, shall continue in lieu of the ancient commission, it being the duty of the defender of the accused to be present at confession.

Art. 9. That article of a prior regulation, which imposes upon deserters the punishment of death for the first offence, and which declares that the plea of pay being withheld shall not avail, being abolished in future, the *ordenanza militar* shall govern, and the punishment it provides for cases of desertion be alone imposed.

Throughout the State shall be observed the ordinance of 30th January, 1814, as to supplying vacancies caused by desertion. [Note.—The following article was in the original erroneously marked the 10th.]

Art. 11. Governors, lieutenant governors, and subdelegados shall be ever watchful for the apprehension of deserters; if they fail in this particular, it shall be one of the first duties, when *residencia** takes place, to inflict upon them exemplary punishment.

Art. 12. If neglect in this particular be proved against them before their offices expire, it shall be the indispensable duty of the Director to remove them.

Art. 13. The *alcaldes de hermandad* and *pedancas de los curatos*, for like neglect, shall incur for the first offence a fine of one hundred dollars, to be applied to defray the expenses of recruiting; and, upon the repetition thereof, be removed.

Art. 14. The soldier who shall inform against a deserter, shall, upon his apprehension, be rewarded with ten dollars, and the abatement of two years of his term of service.

Art. 15. The subaltern officers shall read frequently to the soldiers of their respective com-

* *Residencia*.—According to the Spanish law, officers, at the expiration of term of service, are bound to reside for a certain period in the places where they exercised their offices, to give an opportunity to proceed against their malversations.

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panies the ordinances of the penal laws, from article 26 to article 43, inclusive, of tit. 10, trat. 8.

Art. 16. This ordinance, being in a great measure altered, shall be, without delay, reduced to order by another, which shall be formed by a military commission of three individuals, to be named by the Director, associated with the asesor general of war, and, being framed, shall be transmitted to Congress for its sanction.

Art. 17. The Director shall also name another commission of five individuals, military men of the most extensive information, who shall form a uniform military system, embracing the regular forces of the State and National militia.

Art. 18. He shall also appoint another commission, composed of as many individuals as he thinks proper, to form a uniform system for the regulation of the marine, in all branches, embracing arrangements as to ports, the establishment of nautical and mathematical schools, and transmitting it, when formed, to Congress.

Art. 19. He shall establish in the capital a permanent academy, appointing its president for the instruction of cadets of the regiment of infantry and cavalry, upon a plan to be furnished by the estado mayor general, and approved by the Director.

CHAPTER 2.—Of the national militia.

Art. 1. Every individual of the State being in America, every foreigner enjoying the right of suffrage, every European Spaniard with letters of naturalization, and all free persons of African or mixed blood, inhabitants of the cities, towns, villages, and country, from the age of fifteen to sixty, unless incapacitated by infirmity, are soldiers of the State, bound to support the independence which has been declared.

Art. 2. From the aggregate of all these inhabitants shall be formed, with all possible speed, in all the respective provinces, by the respective governors, lieutenant governors, and sub-delegados, a body of national militia of infantry or cavalry, according to the quota of the province, and upon that footing as to force which the Director shall determine by regiments, battalions, squadrons, or independent companies, subject to the regulation of the 14th January, 1801, made for the provincial militia, the estado mayor general giving information of variations and additions when deemed necessary.

Art. 3. The governor, lieutenant governor, and sub-delegado of each province shall be commander-in-chief of its militia, while in office, and shall make all recommendations for promotion to the Director, through the medium of the estado mayor general, in the Department of Buenos Ayres. The governor shall, in like manner, command the militia, if he be a military man, if not, the comandante general de las armas shall command.

Art. 4. In the national militia shall be included all persons who have obtained commissions in it since the date of the last cited regulations, being Americans or European Spaniards, with letters of naturalization.

Art. 5. It shall be one of the first duties of the

governors, lieutenant governors, or sub-delegados, to preserve the national militia in a state of good discipline.

Art. 6. The principal object of this militia shall be to defend the State, and to aid and reinforce the army of the line when it shall be necessary.

Art. 7. When it may be necessary to detach a portion of the militia to reinforce the army of the line, the abovementioned chiefs shall do so with persons having no just ground to claim exemptions from the service, supplying immediately the place of the force detached, in order to preserve entire the national force of the province.

CHAPTER 3.—Of that portion of the militia termed Civicos.

Art. 1. Of the inhabitants of the several cities, towns, and villages, shall be formed the corps of civicos, by regiments, battalions, or independent companies.

Art. 2. This militia shall be solely of such as have property worth one thousand dollars at least, of the owners of open shops, and of all who exercise a trade or pursue some public occupation.

Art. 3. In the department of Buenos Ayres, the civicos shall be subject to the Cabildo in subordination to the Supreme Director.

Art. 4. Of the residue of the inhabitants, the Cabildos shall have the command of as many as they can organize, without prejudice to what belongs to the governors, lieutenant governors, and sub-delegados, in virtue of their offices.

Art. 5. The appointment of officers (to captains inclusive) shall be made by the Director, upon the recommendations of the chiefs of regiments, which the Cabildos shall transmit through the medium of the estado mayor general. The Cabildos shall, by themselves, recommend for officers of higher grades.

Art. 6. Those persons only of the regular army incorporated as chiefs, as sergeants or corporals, for the purpose of instruction, shall be out of the ordinary civil jurisdiction, in order better to prevent unjust punishment.

Art. 7. The principal duties of the civicos shall be to maintain good order in the towns, to assist in the administration of justice, and defend the country.

Art. 8. No soldier of the army, of the line or militia, national or civic, to whom arms have been intrusted, shall use them factiously against any inhabitant of the State.

Art. 9. The persons thus misusing them shall be tried and punished within the third day by the judge to whom the cognizance of the offence belongs, for the satisfaction of public justice, deeply interested in personal security.

*SECTION VII.—PERSONAL SECURITY AND THE LIBERTY OF THE PRESS.**CHAPTER I.*

Art. 1. For those actions offending neither against public order, nor interfering with private rights, men are solely accountable to God.

Art. 2. No inhabitant of the State shall be obliged to do that which the law does not clearly

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and explicitly command, nor restrained from that which it does not, in like manner, prohibit.

Art. 3. Crime is solely the infraction of laws in full force, since, without this requisite, they are not obligatory.

Art. 4. No inhabitant of the State shall be punished, without legal sentence and regular process.

Art. 5. All orders that shall be issued by magistrates in the regular exercise of authority, to promote public order, or to regulate the business pertaining to their office, shall be in writing.

Art. 6. Excepting orders relating to the army in matters belonging to the service, as to which the ordinance of the provinces of the union shall be observed.

Art. 7. Every citizen shall keep in his house powder and arms, for the defence of his person and property, in those urgent cases in which he cannot avail himself of the protection of the magistrate.

Art. 8. The Government shall not take possession of such arms unless the public defence should require them, paying their just value.

Art. 9. The house of a citizen is a sanctuary, which it shall be a crime to violate; it shall not be forcibly entered, except in cases of resistance to legal process.

Art. 10. The right of forcible entry, given in article 9, shall be exercised with moderation, personally, by the judge issuing the process; and, in case of his being utterly unable to act in person, the order, delegating the power, shall be in writing, with all necessary specifications, a copy being given to the individual when apprehended, and to the owner of the house, should he so require.

Art. 11. No citizen shall resist the arrest of his person, or the seizure of his goods, when decreed by a competent magistrate; but he shall have the right of claiming the full benefit of the provisions in favor of personal security, contained in chap. 3, section 4, of this provisional regulation.

Art. 12. Every man shall have the liberty of remaining in the territory of the State, or of departing therefrom, as he thinks proper, so long as the public security is not thereby endangered, or its interests prejudiced.

Art. 13. The preceding provisions in favor of personal liberty, shall never be suspended.

Art. 14. Except in those extreme cases in which the public security may require such suspensions, the public authorities, driven by so lamentable a necessity to this measure, shall give an account of it to Congress, who shall examine into its cause and the time of its duration.

CHAPTER 2.—*Liberty of the press.*

Art. 1. The decree concerning the liberty of the press, which was issued October 26, 1811, and which is incorporated in this chapter, shall be observed.

Art. 2. To facilitate the use of this liberty, it is declared that any individual, be he native or foreigner, may freely erect printing presses in any city or town of the State, with this sole condition, that he shall give previous information to

the provincial governor, lieutenant governor, and Cabildo, and that everything printed shall bear the name of the printer, and of the place where the press is erected.

Art. 3. The intendentes de policia shall be particularly careful that in periodical works and public papers the greatest possible decorum shall be preserved, without failure of the respect due to magistrates, to the public, and to individuals.

Art. 4. In cases of violations of article 3, it shall be the duty of the said intendentes to give notice to the tribunal of the liberty of the press, which, conformably to the laws establishing and regulating it, shall scrupulously examine it.

Decree of the liberty of the press of October 20, 1811.

Art. 1. Every man may publish his opinions freely, and without previous license, (*previa censura*;) all laws and regulations contrary to this liberty shall be of no effect.

Art. 2. The abuse of this liberty is a crime when it invades private rights; its prosecution belongs to the persons interested, and to all the citizens when it endangers the Roman Catholic religion, the public tranquillity, or the constitution of the State. The magistrates having cognizance shall impose the punishment according to law.

Art. 3. To guard against abuses in the classification and graduation of crimes of this kind, there shall be created a body of nine individuals, with the title of protectors of the liberty of the press. In order to its formation, the Cabildo shall present a list of fifty respectable persons not employed in the administration of the Government; from these selections shall be made according to plurality of votes. The electors shall be the prelado eclesiastico, alcalde de primer voto, sindico procurador, fiscal de la camera, and two respectable persons of the vicinity, nominated by the Cabildo. The escribano de pueblo shall certify the election and respective commissions, which shall be delivered to the elected without loss of time.

Art. 4. The power of these protectors shall be limited to determine whether or not there be criminal matter in such publications as may be submitted to them. The punishment of the crime, after the evidence is declared, shall belong to the magistrates. The protectors shall hold their offices for one year, at the expiration of which there shall be a new election.

Art. 5. The third of the votes in favor of the accused shall be a sentence of acquittal.

Art. 6. Any party interested appealing, the protectors shall choose, by lot, nine individuals of the forty-one remaining on the list out of which they themselves were selected; these shall review the matter, and their sentence, if in favor of the accused, shall be irrevocable. In cases of challenge for just cause, the places of the challenged shall be supplied in the same manner.

Art. 7. The same method shall be followed in the provincial capitals, substituting, for the prior

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de consulado, the *deputado de comercio*, and, for the *fiscal de la camera*, the *promotor fiscal*.

Art. 8. Works which treat of religion shall not be published without scrutiny by the diocesan. In case of accusation, the work shall be re-examined by the same ecclesiastic, assisted by four of the protectors, and the majority of votes shall constitute an irrevocable sentence.

Art. 9. Authors are responsible for their works, or the printers, not making it appear to whom they belong.

Art. 10. This decree shall be observed till Congress otherwise determine.

FINAL CHAPTER.—*General provisions.*

1. The *reglamento de policia*, (regulation of police,) issued the 22d day of December, 1812, for the capital and province of Buenos Ayres, shall subsist for the present under the following limitations:

The powers of the *intendente de policia* shall remain vested as they are, in the governor of the province; the three commissaries, with the powers and duties designated in the said regulation, shall continue for the present under the inspection of the governor, and among them seniority as to the possession of office shall alone give preference; except their salaries, they shall receive no emolument for services performed in quality of commissaries. The governor shall undertake no work requiring expenditure of public money, without previous consent of the *Cabildo* and the approbation of the Director. Every payment shall be made according to the mode prescribed in the said regulation. No payment shall be made at the treasury without the approbation of the Supreme Director, and the treasurer shall replace money paid by him contrary to this article. The 3d, 4th, and 5th articles, which establish an assessor, *portero*, and *escribano de ramo*, shall be repealed, the last office being exercised by a like officer of the General Government. The 8th, 10th, and 14th, shall only have effect so far as they are compatible with personal security, liberty of the press, and other rights of man, which have been declared. The 41st of the circular instruction to the *alcaldes de barrio* shall be observed, so far as it is compatible with the chapter upon the liberty of the press. All the change that may have been made contrary to the said *reglamento de policia*, and to what the *estatuto provisional* (provisional statute) of May 5, 1815, in article 1, final chapter of general provisions, provides, shall be amended, the office of four commissaries last established being suppressed.

2. The *Cabildos* of the other cities and towns of the State shall appoint a commission of four persons of the vicinity, of the best information and the greatest zeal for the public good, who, keeping in mind the said *reglamentos* of the capital, shall form one suitable to the circumstances of the place, transmitting it to Congress for their approbation.

3. Securities for the due discharge of duty shall be required from all officers, according to the nature of each office; the laws formerly re-

quiring them being hereby restored. Those exercising offices for the due performance of which security ought to be given, are peremptorily required to give it within six months from the date of this provisional regulation, the Director and governors attending to this, with the privilege of taking four securities, each security binding himself for one-fourth of the whole amount.

4. To the officers of the treasury, (*ministras de hacienda*), and the officers of the custom-house, (*administradores de aduana*), shall be restored the coercive jurisdiction for the recovery and collection of debts, certain and liquidated, in favor of the State.

5. The laws and decrees made by the last convention, (*asamblea*), as to religious profession, shall be of no effect.

6. Contributions imposed in one province for its special benefit shall not extend to the other.

7. All the provinces in the union, cities, and towns, having *Cabildos*, may, without the necessity of obtaining permission, giving, however, previous information to the Director, make all the establishments they may deem useful and promotive of their industry, prosperity, arts, and sciences, without prejudice to the friends of the State.

8. All those in possession of letters of naturalization, which have not been issued by the former General Constituent Assembly, by the present Congress, or the Supreme Director for the time being, in virtue of the decree of the 29th August, shall present them to the present one for ratification, should they deserve it, without which they shall be of no effect.

9. All the offices of the Government, including the Supreme Director of the State and his Secretaries, shall, upon termination of office, be liable to inquiry into their conduct; the Director and his Secretaries before Congress, the others before judges to be appointed by the Congress; the last shall be liable to such inquiry for four months after termination of office.

10. The present provincial regulation shall be observed throughout all the territory of the State from the time of publication, which the Director shall cause to be made in a convenient form; those articles of the provisional statute (*estatuto proviscina*) passed by the Junta de Observacion, not comprehended herein, being repealed, and all anterior laws, regulations, and decrees in opposition to it, being in like manner repealed.

Sanctioned by the General Congress, sealed with the provisional seal, signed by the president, and countersigned by his Secretary, in Buenos Ayres, the third day of December, A. D., one thousand eight hundred and seventeen.

PEDRO LEON GALLO.
J. E. ELEAS, *Secretary*.

H.

The Director (ad interim) of the State, in Buenos Ayres, to the citizens of all the provinces.

Buenos Ayres, Aug. 8, 1815.

I could wish, by means of a detailed manifesto,

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to explain to the people every step which has been taken for the purpose of establishing concord with the Chief of the Orientals, and the difficulties which have constantly opposed themselves to so desirable an object; by this means, also, holding out a warning to all minds of the evils which must flow from these unfortunate differences. But, for the present, this is not possible, nor so necessary as the immediate communication to all of the results of our last negotiations.

No mystery has been attempted in this business; even the minutest particulars have been made known to all such as were desirous of being informed; but, at a distance, everything is liable to misrepresentation. It is, therefore, my duty to provide against it. For this purpose, I confine myself, for the present, to the publication of the documents necessary for the information that may be desired. These will save me the trouble of a statement that may possibly deserve the imputation of being made with passion; while the citizens of all the provinces will thus be left at liberty to form their opinions according to the dictates of their reason, without being led astray by partiality.

It is notorious that I sent deputies to the Chief of the Orientals, in order that we might fix upon some plan of establishing such an understanding and harmony as would be sufficient to avoid reciprocal aggressions until the General Congress should be assembled, and arrange our differences on permanent principles.

The propositions reciprocally made did not satisfy either. The decision was reserved for a future Congress.

Such was the state of things when there appeared in this city four deputies, sent from an assembly of the Orientals, and, united with these, Cordova, Santa Fe, and Corrientes, with official instructions from General Artigas, which authorized them to enter into stipulations. The documents subjoined have originated from this procedure.

Finally, after refusing to sign the statement No. 2, of the document No. 3, they returned, giving assurances, by word, that they went in peace, and they were answered, "Peace be with you." People of the provinces! it is for you to judge; the case is yours, and your safety is the supreme law of the State.

IGNACIO ALVAREZ.

GREGORIO TAGLE.

Plan for the establishment of harmony, presented by the deputation of the Chief of the Orientals to the Government of Buenos Ayres.

Buenos Ayres, July 3, 1815.

There shall be a union, offensive and defensive, between the provinces under the direction of the Chief of the Orientals and the Government of Buenos Ayres.

The troops of Buenos Ayres which passed over to the eastern shore of the Uruguay shall be considered as purely auxiliary, until the occupation

of Montevideo. There shall be restored of what was carried away from that place three thousand stand of arms, one thousand swords, twelve pieces of light artillery, of twos, fours, and sixes. There shall be mounted on the fortifications the number of pieces of artillery that may be requisite, the principal portion to be brass, with the necessary material for all and each of said cannon; nine gunboats, with all requisite supplies; powder, fixed ammunition for cannon of every caliber; also for small arms, and fifty-five thousand flints; one-half of the mortars taken away; the bombs and grenades, with everything for using them, together with the printing press.

To Santa Fe there shall be delivered five hundred stand of arms.

To Cordova a like number.

The remainder of the articles withdrawn from the Oriental province of the Uruguay shall remain in Buenos Ayres as a deposit, for the purpose of aiding the other provinces, to be used at the instance of the Chief of the Orientals, and for the aid of the province of Buenos Ayres itself, according to its future exigencies.

The deputation has the honor to state to his Excellency the Director of Buenos Ayres that they will cheerfully enter into any discussions to which their propositions may give rise with the magistracy of this capital, according to the 25th article of the first chapter, section three, of the provisional statute.

MIGUEL BARRIERO,
JOSE ANTONIO CABRERA,
JOSE GARCIA DE CASSIO.

Official letter of His Excellency the Director of the State to the Chief of the Orientals.

Buenos Ayres, Aug. 1, 1815.

The deputation sent by your Excellency to this Government presented your esteemed communication of the 29th ultimo, which, at the same time that it served as the credentials of the mission, manifested the desire of conciliation which animates your Excellency. I was, indeed, induced to expect from this that the mission had been directed to propose more reasonable grounds of accommodation than those offered by yourself to my deputies, Colonel Pico and D. Riverola. Judging by my own heart, I considered the negotiation already ended. I requested the deputies to give me their proposals in writing; and the following day they reproduced, in substance, the same as before offered, with the addition of several supernumerary articles. I immediately took steps to assemble the authorities, according to the provisions in such cases of the twenty-fifth article, chapter first, section third, of the provisional statute, by whom the subject has been maturely considered, and the plan proposed anew on your part duly weighed. They have resolved to give for answer that the claims of your Excellency ought to be left to the supreme judgment of the General Congress of all the provinces; that if, in reality, the sovereignty of this august body is to be recognised, it is proper to wait for its deter-

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mination, which will irrevocably terminate our differences. We concurred in our private opinions how injurious to the common cause these discords must be, particularly in this important portion of the country. The sending to your Excellency the beforementioned deputies was an act dictated by the necessity of coming to an amicable understanding, so that the expedition expected from the Peninsula should find us acting in concert, as I have expressly stated in my communication of the 11th of May. In such circumstances, it was plainly for the common interest that we should at least agree not to make war upon each other, even if we should be unable to agree upon anything else. It never could be just to expose the fate of all the provinces, by disputes between the Orientals and Buenos Ayres, for advantages reciprocally claimed over each other. But, since the danger which threatened us is dissipated, let us await the decision of the Supreme Congress on our cause. If we are liberal in our principles, and are not disposed to wrong the other provinces, let us give them a share in the adjudication of rights, when it so properly belongs to them.

Buenos Ayres, by the sacrifices she has made, has been reduced to her present state of honorable poverty; her efforts were made as a member of the union, and as the capital of all: as a member, she has brought all her wealth into the common fund; as the capital, she has received contributions from the other members without discrimination. But for none has there been so much expended as for Montevideo. Your Excellency, in her name, demands those articles which have been taken away, and generously bestows a thousand stand of arms upon Cordova and Santa Fe, the remainder to remain in deposit in this place, to be used at your instance (see intervention) to aid the other provinces. The difficulty consists in this, that if all the other provinces should follow the examples of the Orientals, and demand what they have contributed, Buenos Ayres will also come in for a share, and it will be her duty to make an equal distribution of the property which has been saved in the general bankruptcy to each creditor according to the amount of his credit. But Buenos Ayres cannot be both party and judge; it is therefore evident that the next Congress is the only tribunal for the decision of this important cause. Until then (aspiring still to the praise of acting with the same moderation you have shown in the midst of the severe trials experienced in the cause of liberty, as you have observed in your communication) your conduct will be such as to preclude the occurrence of unhappy contentions, while, on my part, I shall do nothing but to endeavor to prevent it. To this end I have ordered a force to Santa Fe, with instructions to publish the proclamations herewith enclosed. The deputies of your Excellency have experienced some detention, because, having informed them of the measure beforementioned, I was apprehensive that they would hasten to your Excellency in order to oppose the carrying it into effect with

the necessary tranquillity. They have not, with all persons, observed the greatest prudence in their conversation, forgetful of the character in which they appeared, and of the frankness with which they were received in this city.

I ought not to omit, on this occasion, to satisfy your Excellency with respect to the surprise which you tell me in your letter, already noticed, of the 10th July, was felt by you at my stating in mine, of the 1st of the same month, that your Excellency was unwilling to enter into details on the subject of the establishment of mutual harmony. This complaint (which I confess surprised me much) was made by your Excellency in your communication of the 18th of June, brought by my deputation. Your Excellency will please to examine the original, and I hope your Excellency will not persist in asserting officially what can thus be refuted. Let us not be intolerant because we happen to differ in matters of opinion. Athens and Lacedemon, under different forms of government, attained equal glory and felicity; we have differed as to what best suits us, we have not yet fixed on the kind of government that is to be adopted, and for this reason our differences appear to be interminable; so that, in whatsoever mode the question is received, there is the greater reason for referring it to the decision of the General Congress; we shall otherwise be at variance, without the possibility of coming to a compromise. May the day of its accomplishment, with the establishment of our ardently desired liberty, soon arrive!

IGNATIO ALVAREZ.

GREGORIO TAGLE, *Secretary.*

Official letter of Don Antonio Saens to the Director of the State, accompanied by the notes designated 1 and 2.

Buenos Ayres, Aug. 4, 1815.

MOST EXCELLENT SIR: I have entered into conference with the deputies of the Chief of the Orientals, in pursuance of your Excellency's instructions. I considered it expedient not to defer it until they should produce sufficient credentials from the Congress of Paysander, of which they declare themselves the deputies. It appeared to me that the informality of their powers ought not to stand in the way of the establishment of an honorable peace, when the stipulations might afterwards be legalized by confirmation; and as it is not possible for them to obtain regular credentials from the Congress, which no longer exists, the adjustment may still be considered as made with the Chief of the Orientals. After protracted debates, it was finally agreed that peace should be established, and that the Orientals should renounce their pretensions. Without a moment's loss of time, I proposed the establishment of its basis according to the principles agreed upon, and to sanction it by our signatures. But I soon found that in their conceptions it was not so easy to sign as to promise. They then delivered me the signed paper No. 1. I saw that it was not in my power to affirm it on account

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of the doubts which it presented, and the interpretations of which it was susceptible, the simple proposition which it contains being conceived in vague and indefinite terms, and the authority of the Supreme Director narrowed in an offensive manner, placing it even below that of the chief of the Orientals, and being changed into the simple Government of Buenos Ayres; and finally, because it is not couched in the terms used amongst civilized nations. For these reasons, I presented them the note No. 2, and requested their sanction. They replied that the articles were conformable to what had been argued upon in our conferences, but they were all consequences of the single article establishing peace, &c.; they said they would religiously pledge their faith and honor for the true performance of them, but that they were unwilling to sign the paper. This is the only reason they have thought proper to give for a conduct so strange. They dropped something, it is true, about its not being expedient to sign at the present moment, although just to do so, and that they would give an explanation of the reasons more fully on their return home. Such have been the subterfuges with which they evaded signing the accommodation which I proposed them, and such also is the result of our protracted conferences. The most earnest and energetic representations have been unavailing to induce them to desist from a conduct so injurious. The conferences at length closed without effecting anything. I have the honor to be, &c.

ANTONIO SAENS.

No. 1.

To the Supreme Director.

The citizens Don José García de Cassio, Don José Antonio de Cabrera, Don Pascual Andrino, and Don Miguel Barriero, deputies from the Congress of the Orientals, to treat of peace with the Government of Buenos Ayres, have terminated a conference with citizen Don Antonio Saens, authorized by his Excellency for that purpose, with this only proposition:

There shall be peace between the territories under the Government of the Chief of the Orientals, and his protection, and the Government of Buenos Ayres.

MIGUEL BARRIERO,
DON JOSE GARCIA DE CASSIO,
DON PASCAL ANDRINO,
JOSE ANTONIO CABRERA.

Signed at BUENOS AYRES, August 3, 1815.

No. 2.

BUENOS AYRES, August 3, 1815.

The Commissioner, on behalf of his Excellency the Supreme Director of the State, appointed to treat of peace with the four deputies who have come for this purpose from Paysander, sent by General Artigas, requires that the sole proposition of peace, which they have subscribed,

should be reduced to a formal and solemn treaty, as expressed in the following articles:

First. There shall be perpetual peace, friendship, and alliance between the Chief of the Orientals and the Government of Buenos Ayres.

Second. The same shall be established between the citizens who reside under the Government and protection of each.

Third. Both territories and governments shall be independent of each other.

Fourth. The Parana shall be the line of demarcation between them.

Fifth. Each of the contracting parties shall renounce all claims to indemnity for what may have been attributed to the common cause.

Sixth. They likewise oblige themselves to send deputies to the Congress of Tucuman.

Seventh. The vessels which have left Buenos Ayres for Montevideo, or other parts under the Chief of the Orientals, shall be permitted to return.

Eighth. A veil shall be cast over the past, and no one be persecuted for his conduct heretofore.

Ninth. The four deputies of the Congress of Paysanders shall produce sufficient powers to ratify the treaty.

Tenth. The present treaty shall be ratified by the competent authorities in three days, and by the Congress assembled at Paysander within twelve.

ANTONIO SAENS.

An official letter from His Excellency the Director of the State to the Chief of the Orientals.

BUENOS AYRES, August 7, 1815.

After having delivered to the deputies from your Excellency the communication dated the first of the present month, advising you of the last negotiations, they proposed that some mode should be adopted to render negotiation less difficult. I immediately took steps for this purpose, in order that the deputies might depart in peace, and that the same should be with this Government. I repeated that I should be unchangeable in my principles of moderation, and that I would preserve all possible harmony as far as was compatible with the honor and interests of the provinces over which I have the honor to preside. I expect the like sentiments on the part of your Excellency, and in this confidence I pray you to permit the return of the vessels which have left this river in good faith, to the ports of the eastern shore, and which suffer great prejudice in consequence of the detention. In this case, justice will acquire the credit of generosity, and variance of opinion on the part of the Governments will be less calamitous to the unfortunate citizens who have no part in their discords.

IGNACIO ALVAREZ.

GREGORIO TAGLE.

To Gen. JOSE ARTIGAS,
Chief of the Orientals.

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I.

General Artigas to the Supreme Director, Pueyrredon.

PURIFICATION, November 13, 1817.

EXCELLENT SIR: How long does your Excellency mean to sport with my forbearance? Eight years of revolution, of privations, of dangers, of reverses, and misfortunes, ought to have sufficed to establish the rectitude of my intentions, and the character of my Government; the dignity of the Oriental people has more than once shown forth; they ought to know the delicacy I have manifested in reference to the inalienability of their sacred rights; and your Excellency has the boldness to insult them. Your Excellency is doing everything in your power to provoke my moderation; the thought of this alone should cause your Excellency to tremble. However specious may be the motives alleged in support of such conduct, they are incompatible with the general interest assailed by the Portuguese aggression. Your Excellency is guilty of a criminal conduct in repeating those slanderous insults under cover of which the enemy believe the success of their invasion to be certain.

It is in vain for your Excellency to attempt a display of the generosity of your sentiments; the course of events alone is sufficient to refute the attempt, and these prove that your Excellency is more zealously occupied in embroiling the nation, than inspiring freemen with the energy which should animate them against tyrants; otherwise, how could your Excellency have ventured to publish the pretended recognition of the Government of Buenos Ayres by the Orientals? A crime of so revolting a nature could only be perpetrated by the most impure hands; and your Excellency has had the audacity to commit it. But it was in conformity with the mysterious plans of your Excellency to destroy the firmest rampart opposed to their execution. A people enthusiastic in the cause of their liberties must be taken by surprise; the dangers are every moment increasing, and the recognition before mentioned was brought in aid of your Excellency's designs for our common destruction. Your Excellency knows sufficiently well the dignity of my character, and that the unjust reproaches heaped upon me are the offspring of your perfidy; and this is the foundation upon which your Excellency rests your disgraceful neutrality. But it is in vain to imagine that this paltry excuse can justify your Excellency in the treachery of supplying the enemy at Montevideo with wheat, while besieged by me. It is also a fact little to the honor of your Excellency, that you have made arrangements for a third expedition against Santa Fe, with a view to foment the intrigues of the Parana, and promote insurrection on the eastern shore. The same unfriendly disposition induced your Excellency to protect the Portuguese who fled from Seriano, sending them back to their General, while, instead of practising a similar generosity towards the Chief of the Orientals, you did not think proper to return the

arms and other articles which those persons carried with them in the vessels on board of which they fled. It is thus that your Excellency has endeavored to seize a favorable moment to light up the fire of discord, to plot with the Portuguese, and excite disaffection in the regiment of Libertos, seducing them to your side, and receiving them in triumph; an act of so gross a character cannot be mentioned without scandalizing the perpetrator; and your Excellency is still the Supreme Director of Buenos Ayres.

An officer openly in the service of Portugal could not have acted more faithfully for his King; and to the impartial mind it must have been evident that your conduct was dictated by motives much more black than the cold neutrality which you allege. But, whatever may be the merit of our respective criminations, sound reason declares them to be out of place, in the presence of an ambitious stranger; more than once have I exhibited an example to your Excellency of my determination to act up to this principle. Alas! it is but too true that the road of virtuous patriotism is as rough as the name of country is delightful. Without proving a traitor to your own understanding, it is impossible for your Excellency to be indifferent upon the subject of the detestable incursion of General Lecor into our territory. Your Excellency has already protested against his conduct; and how will your Excellency deny the work of your own hands? Are not the Portuguese of this year the same as of the last? Do not the same complaints exist now as then? Has not your Excellency outraged the people of Santa Fe, and in them those of the other provinces? Confess, sir, that you have no other object in putting on this affected neutrality but to conceal your intrigues. The Supreme Director of Buenos Ayres neither can nor ought to be neutral. Did not your Excellency accuse the Portuguese General of violating the laws of civilized warfare, in the threat he held out against the Orientals? And how can this be reconciled to the character of a neutral? Be then a neutral, an indifferent spectator, an enemy; but let me tell you to beware of the just indignation of those who, having sacrificed everything to the love of liberty, fear nothing but its loss.

Renounce the despicable expectation that on the ruin of the Orientals you may one day raise the lofty column of your glory and our degradation. The greatness of the Orientals is only to be compared with itself. They know how to meet dangers, to subdue them, and to be reanimated by the presence of their oppressors. I at their head shall march whenever danger threatens. Your Excellency knows me, and ought to fear the justice of my vengeance. Your Excellency does not cease to repeat insults offensive to my moderation, and to the discredit of the common cause. Your Excellency ought not to think me insensible. While I am in the field, engaged in a bloody conflict with the invaders, you are laboring to weaken our force by mingling with it an affair which does not fail to excite well-founded suspicion. While I am engaged in opposing the

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Portuguese, you are taking measures to favor them. Would your Excellency, in my place, have regarded these things with a serene countenance? I acknowledge to your Excellency that I have made a sacrifice of my feelings to my country, which claimed a concentration of all its forces. It was this which induced me to seek a peace with your Excellency, while you were endeavoring to provoke me to a war. I opened the door which, for weighty reasons, I ought to have kept shut. I sent back to you the officers taken prisoners, without subjecting them to the sufferings which ought to have followed the crime of their violent and cruel aggression against an innocent people. Your Excellency cannot deny those acts of generosity, which, notwithstanding your repeated promises of reconciliation, you have not been able to equal.

It is true your Excellency did send some supply of arms to the Parana, but without giving me the least intimation of it. This deceitful act had for its object the exculpation of your Excellency from the charge of indifference in the eyes of the provinces, and evinces the fertility of your machinations; but do not think that this shallow artifice will enable you to escape. We have just experienced the effects of this generosity in the disturbance of the Parana and Entre Rios. Can it be concealed from the provinces with what views these arms were distributed, when done without the knowledge of the Chief? Let me pray your Excellency to cease your generosity, if such are to be its effects; let me beseech you to refrain from aiding the country, if you can do nothing but obscure its splendor by such hateful scenes. No, sir, it is not from you that our country can expect to be freed from the ambition of the Brazilian King; instead of boasting of having saved the country, your Excellency has nothing to boast of but of having tortured my patience to the utmost point of endurance. I have suffered for my country, and yet your Excellency dares to criminate me in public and in private. I have no need, like your Excellency, of having defenders; incontrovertible facts speak in my behalf.

Sir, I am still ready to enter into an amicable adjustment of our difference, so as to unite our forces against the Portuguese; and I repeat the offer which I made in June last. I then requested that deputies should be sent, with full powers to draw closer and closer the ties of union. Your Excellency could not deny the importance of this request, and engaged to send them. In consequence of this, I announced to the people the pleasing hope of reconciliation; but, until the present day, nothing but disappointment has been the result. Your Excellency, it seems, has had the effrontery to announce that deputies were expected from the eastern shore at Buenos Ayres. It is but little becoming in your Excellency to frustrate so desirable an object, and afterwards to calumniate me; this is the last insult I am willing to bear, and henceforth must request your Excellency to be silent. Such imposture is not less injurious to the reciprocity of the country than

insulting to me. In opposing the reconciliation of the two shores, your Excellency can be regarded in no other light than as a criminal, and unworthy of consideration.

Your Excellency, by this time, must be wearied in hearing truths, but you ought to be more so in giving cause for them; they are stamped with the characters of sincerity and justice. Your Excellency has occasionally provoked my moderation; my wounded honor will demand satisfaction. I speak for once and for all, your Excellency is responsible before the altars of the country for an inaction incompatible with its interests, and the day will arrive when its justice will call you to a severe account.

In the mean time, I challenge your Excellency to appear with me in front of the enemy, and to combat with a courage which will display all the virtues that render glorious the American name.

I have the honor to salute your Excellency with cordiality and respectful consideration.

FERNANDO JOSE ARTIGAS.

J.

Extract from the Gazette of Buenos Ayres of the 5th of February, 1818.

INVASION OF THE PORTUGUESE.

In the Gazette of the 1st of December last, we published the official letter of his Excellency the Director to the Portuguese General in the Banda Oriental, requiring him to cease his march into a territory whose union with the United Provinces of the South had not been renounced, but accidentally suspended. The Portuguese General, in his reply, denied the principles on which this protest was founded, insisting on the pretext which had induced his Court to a rupture so unjustifiable: but as, at the same time, he referred for his justification to the orders of his Prince, from which he was not at liberty to depart, there were reasons to suspect that, from the slowness of his operations and other circumstances, he might possibly have received instructions to suspend his marches, and evacuate the country unjustly invaded. This doubt has disappeared with the event, and the occupation of Montevideo has been preceded by an action in which that precious soil has been moistened by the blood of its sons. We shall hereafter make some further observations upon this conduct; at present we shall insert the reply of the Portuguese General, as also an official letter of his Excellency the Director, transmitted by Don Manuel Roxas, who sailed for Montevideo the 2d of the present month.

Official letter of the General of the Portuguese Army in the Banda Oriental, in reply to that of this Government, published in the Gazette of the 1st of December last.

HEADQUARTERS, PASO OF SAN MIGUEL,
November 27, 1816.

MOST EXCELLENT SIR: Taking into consideration what you have been pleased to communicate to me in your official letter of the 13th of

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August last past, delivered to me by Col. Vidia on the 24th of this month, (November,) I can assure your Excellency that my marches have for their sole object the removal of the germ of disorder from the frontier of the kingdom of Brazil, and the occupation of a country abandoned to a state of anarchy.

This wise and necessary measure ought in no respect to excite uneasiness in the Government of Buenos Ayres, since it has been executed in a territory which has declared itself independent of the western side.

The most scrupulous regard has been paid to the armistice concluded on the 26th of May, 1812, establishing amity between the two countries; and, in case of being attacked, I shall only act on the defensive, until the receipt of further orders from my King and Sovereign.

The proclamation which I enclose to your Excellency (the same which has already appeared in our newspapers) will make known the spirit in which I come to this unfortunate country by the commands of my Sovereign.

I continue my marches, which can only be suspended by order of the King my sovereign; and it will shortly be in my power to manifest to your Excellency the good faith of my military operations by a better opportunity and from a nearer point.

I thank your Excellency for the occasion you have afforded me of being acquainted with Col. Vidia. God preserve your Excellency.

CARLOS FREDERICO LECOR,
Lieutenant General.

Illmo. and Exmo. J. M. PUEYRREDON.

Reply to the foregoing letter by the Supreme Director.

GOVERNMENT HOUSE,
BUENOS AYRES, Feb. 1, 1817.

MOST EXCELLENT SIR: The suspension which I observed in the operations of the army under your command, after the receipt of your reply of the 27th of November last, together with the proclamation which it enclosed, gave me reason to hope that your Excellency, doing honor to the armistice concluded on the 26th of May, 1812, between His Faithful Majesty and this Government, whose violent infraction I protested against under date of the 31st October last, would refrain from giving rise to the horrors of war; or, at least, that you would enter into some temporary arrangement, until the explanations of your Court could be obtained in an affair considered not less important to the inhabitants west of the Uruguay and the Parana than to those of the Banda Oriental. Your Excellency, notwithstanding, at an unexpected moment, hastened your marches; and, under the sole justification of force, you have gone so far as to oppress with your arms the place which you now occupy, but without any other effect than to convince you of the abomination with which its inhabitants regard every foreign yoke.

The assurances which your Excellency pre-

sents to this Government in your beforementioned official letter, far from affording tranquillity, only excite our alarm; and the United Provinces, in the last steps of your Excellency, can discover nothing but the sad presage of the evils which threaten them, should they remain insensible to the aspirations of a foreign Power over a constituent part of the nation.

In order to demand an explanation of this aggression upon the rights of the provinces, so notoriously unjust, I have determined to send an Envoy Extraordinary to His Faithful Majesty, as also to learn the origin and object of a war, which will be provoked with a State at peace, in order to secure the immunity of the Banda Oriental.

Until the reply of His Faithful Majesty shall have been received, I hope your Excellency will not prosecute the war in that territory, but immediately suspend the operation of your arms, under a provisional armistice, which will be entered into by means of a person whom I shall send with sufficient authority, so soon as your Excellency will inform me of your willingness to meet my proposal, as I hope will be done by the hand of Colonel Manuel Roxas, who is the bearer of this communication.

If your Excellency, in strict obedience to the orders of your sovereign, under these extraordinary circumstances, should continue the war, your Excellency will be responsible to humanity for the blood that will be shed; and the impartial world will justify the means of indemnity that will be taken for the sacrifices of conquest, protesting as I do against all usurpation of territory comprehended within the limits recognised before the opening of the campaign of your Excellency, and beyond the frontiers of the kingdom of Brazil.

God preserve your Excellency many years.

JUAN MARTIN PUEYRREDON.

General FREDERICO LECOR.

*To the House of Representatives
of the United States:*

I lay before the House of Representatives copies of the remainder of the documents referred to in the Message of the 17th of last month.

DECEMBER 15, 1818.

JAMES MONROE.

*Report of Theodorick Bland, on the condition of
South America.*

BUENOS AYRES.

BALTIMORE, November 2, 1818.

SIR: The fair prospects which seemed to be opening upon some portions of the people of South America; the lively sympathy for their cause felt by the citizens of the United States; and the deep interests of our country in the fate of those provinces where colonial rule or independent freedom seem to have been put at issue, and contested with all the energy which such a stake never fails to excite, justly attracted the most serious attention of the Government. In what-

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ever disposition of mind the South American contest and its scenes were contemplated, whether with feelings of benevolence, and the best wishes, or with regret, and under a sense of injury, the first thought, that which appeared most naturally to arise in the mind of every one, was the want of information as to the actually existing state of things. A new people were evidently making every possible effort against their transatlantic masters, and preparing themselves to claim a recognition in the society of the nations of the earth. In this struggle, each contending party endeavoring to strike his antagonist beyond the immediate area of the conflict, our commercial rights had frequently received a blow, and our municipal regulations were sometimes violated. New and fertile regions, rich and extensive channels of commerce, were apparently about to be opened to the skill and enterprise of the people of the United States; as to all which, their feelings and their interests seemed to require to be gratified with further information. Under these considerations, it became the earnest wish, and was deemed the right and the duty of our Government to explain the views it had in some of its measures; by timely representations and remonstrances, to prevent the further injury which our commercial and other rights were likely to sustain, and to procure correct intelligence as to the existing state of affairs in those parts of our continent where the revolutionary movements had attracted the most attention and excited the strongest interest.

For this purpose, three persons, of whom I had the honor to be one, were selected, and sent in a public ship to South America; who being, among other things, directed that "if, while in the execution of their instructions at Buenos Ayres, they should find it expedient or useful, with reference to the public service, that one or more of them should proceed over land to Chili, they were authorized to act accordingly," They did, therefore, at Buenos Ayres, take into consideration the expediency and utility of going to Chili, and did there determine that, under the then existing circumstances, it would be expedient and useful for one or more of them to go to that country. In consequence of which I crossed the Andes; and, having returned, it now becomes my duty to communicate a statement of such facts, circumstances, and documents, as I have been able to collect, and which presented themselves as most likely to be of importance, or in any manner useful to the nation.

When I contemplate the wide range of the expectations of the Government, as indicated by our instructions, and the vast extent of the subject, and more especially when I meditate on the novelty and complicated nature of the scene I am called on to portray, and the many circumstances peculiar to the state of society in South America, which cast a shade of obscurity over its affairs, and in some instances have absolutely as yet closed the avenues of information, I feel myself under the necessity of asking for the most liberal indulgence for the errors I may have fallen into,

as well from the difficulties of the subject itself as from my own want of ability to remove them.

We sailed in the United States frigate the Congress, from Hampton Roads, on the 4th of December, 1817, and touched, as directed, at Rio Janeiro, where we delivered the despatches committed to our charge to Mr. Sumter, the Minister of the United States resident there. After a stay of a few days, we proceeded thence direct for the river Plata, which we ascended in the Congress as far as Montevideo. Mr. Graham and myself visited that city, and found it, with the country immediately around, to the extent of about three miles, in the actual possession of a Portuguese army under the command of General Lecor. We were treated by the General with politeness, and an offer was made by him of permission to procure there every facility we might want to convey us thence to Buenos Ayres; and also of leave to obtain for the ship every refreshment and accommodation she might want. Finding that it would be impossible for the Congress to proceed much further up the river, owing to there not being a sufficient depth of water for her over a bar between Montevideo and Buenos Ayres, which traverses the river entirely, and on which it is only eighteen feet deep, we took passage thence in a small vessel, and landed at Buenos Ayres on the 28th of February last.

After consulting and advising together as to the extent, object, and manner of executing our instructions, it seemed to us that no time should be lost in presenting ourselves to the Government or chief constituted authorities of the place, and in making known to them all those subjects which we were directed to present to their view. In arranging those points, it was deemed most proper, in the first place, to express the friendly and neutral disposition of our Government, and to place in a fair and amicable point of view those measures which it had been supposed were likely to be interesting, or materially to affect the feelings or the claims of the people of the river Plata; and then to present the injuries many of the citizens of the United States had sustained, and the infractions of their laws which had been committed by armed vessels assuming the name and character of patriots, belonging to the independent Governments of South America; and to seek the information which our Government had directed us to obtain, and which it had been deemed most advisable to procure from the public functionaries themselves as far as practicable.

Accordingly, after ascertaining the names and style of the principal personages in authority, we called on his honor El Señor Don Gregorio Tagle, the Secretary of State; and having made known to him who we were, and expressed our wish to have an interview with the Chief Magistrate of the country, a day and hour was appointed for the purpose; when we called, and were accordingly introduced by the Secretary of State to his excellency El Señor Don Juan Martin de Pueyrredon, the Supreme Director of the United Provinces of South America. After the interchange of some complimentary expressions

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of politeness, good wishes, and friendly dispositions, we made known to the Director, in general terms, the character of special agents, in which we had been sent by our Government to communicate with him, and that our communications might be either with himself or his secretary. The Director replied that they would be received in a spirit of brotherly friendship, and in that form and through either of those channels which we should deem most convenient.

In a short time after our introduction to the Director, and in about a week after our arrival, we waited on the Secretary of State, as being the most formal and respectful mode of making our communications to this new and provisional revolutionary Government. We stated to the Secretary that our Government had not viewed the struggle now pending between the provinces of South America and Spain merely as a rebellion of colonists, but as a civil war, in which each party was entitled to equal rights and equal respect; that the United States had, therefore, assumed, and would preserve with the most impartial and the strictest good faith, a neutral position; and in the preservation of this neutrality, according to the established rules of the law of nations, no rights, privileges, or advantages would be granted by our Government to one of the contending parties, which would not, in like manner, be extended to the other. The Secretary expressed his approbation of this course; but, in an interview subsequent to the first, when the neutral position of the United States was again spoken of, he intimated a hope that the United States might be induced to depart from its rigid neutrality in favor of his Government; to which we replied, that as to what our Government might be induced to do, or what would be its future policy towards the patriots of South America, we could not, nor were we authorized to say anything.

We stated to the Secretary that certain persons assuming the name, character, and authority of an independent Government in some part of the Mexican portion of South America, had, not long since, taken possession of Amelia Island, where they had attempted, with the name of the patriot cause, to put on the garb, and exercise the rights incident to national independency; that this island, so seized, lay on the coast of the Atlantic, and immediately adjoining the boundary of the United States; that the persons by whom it was held, under the name of the patriot authority, had committed numerous violations and piratical depredations on the commerce of most nations found in that neighborhood, and more especially on that of the United States. They had not only lawlessly seized our vessels which were navigating those seas rightfully and in peace, but the immediate vicinity of the island to our territory had enabled them to commit other outrages on our rights, no less serious and injurious. It was used by a nest of smugglers to introduce their merchandise into the United States without paying the duties; it had become a harbor for runaway slaves from the neighborhood;

and it had become a place of deposite for the most infamous of all traffic, the trade in cargoes of slaves, which were landed there, and thence illegally introduced into the adjoining States, in violation of the most positive prohibition, thus defrauding our revenue, depriving our citizens of their property, and disturbing our peace; that the cruisers, which so mischievously prowled the ocean from this island, not being at all scrupulous about consistency of character, had, as was found most convenient, assumed the flag of Buenos Ayres, or that of the other patriot Governments of South America; that, notwithstanding the notoriety of the daring violences committed by this band of adventurers of Amelia Island, it appeared that Spain, too feeble, or otherwise too much occupied, had not extended its authority over it, and suppressed what could not but be considered as an expulsion and contempt of its jurisdiction. We further stated, on this subject, that a station in all respects similar, and as pernicious, had been formed at a place called Galveston, situated near the mouth of Trinity river, and immediately on the coast of the Gulf of Mexico; that, under these circumstances, the United States had deemed it a right and a duty to break up, and entirely to remove those two establishments, as well to preserve their own interests and that of their citizens, as their peace with other nations; and that the Government of Buenos Ayres, we were sure, could not fail to see, in this measure, the highly honorable and amicable disposition of the United States towards all foreign nations, and more especially to perceive the happy effect which it would have on the patriot name and cause, by preventing it from being soiled with the imputation of acts which the really honorable patriot Governments did not deserve, and could not countenance. We stated, in addition, that our Government would take and hold possession of Amelia Island, in order to prevent the misuse of it in future, subject to explanations to be given to Spain; and that Galveston would be taken possession of and held as a part of the territory of the United States.

To which the Secretary replied that the Government of Buenos Ayres had not before been informed or heard of the abuses committed by those who had taken possession of Amelia Island and Galveston; that it had no connexion whatever with those who had exercised any authority at either of those places; and that the removal of those establishments could not fail to be attended with good consequences to the patriot cause, by preventing any improper imputations being cast on it; and, therefore, his Government could certainly only see in that measure of the United States the manifestation towards it of the most friendly disposition. We stated to the Secretary that it had been understood that many unprincipled and abandoned persons, who had obtained commissions as privateers from the independent patriot Government, had committed great depredations on our commerce, and had evidently got such commissions not so much from any regard to the cause of independence and freedom as with

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a view to plunder; and that we entertained a hope that there would be a due degree of circumspection exercised by that Government in granting commissions which, in their nature, were so open to abuse.

The Secretary replied that there had hitherto been no formal complaint made against any of the cruisers of Buenos Ayres; and, if any cause of complaint should exist, his Government would not hesitate to afford proper redress on a representation and proof of the injury; that the Government of Buenos Ayres had taken every possible precaution in its power in such cases; that it had established and promulgated a set of rules and regulations for the government of its private armed vessels, a copy of which should be furnished us; and that it had, in all cases, as far as practicable, enjoined and enforced a strict observance of those regulations and the law of nations.

We stated to the Secretary that a considerable portion of the people of the United States had manifested a very favorable disposition towards the patriot cause in South America; and the Government, also, had every disposition to treat the patriot authorities with the justice, dignity, and favor which they merited; that, although our Government had, for the present, determined on adhering to a strict and impartial neutrality between the contending parties, it might yet deem it politic and just hereafter to adopt other measures; and, therefore, with a view to regulate its conduct and policy with perfect good faith and candor, as well with regard to its neutrality as with regard to any other measures it might deem advisable to take, it had charged us, as special agents, to seek and endeavor to obtain, in this country, such information as to the actual state of things as would enable it to act with correctness, precision, and understandingly, in whatever course it may hereafter pursue. That the information thus to be obtained might be of a character deserving the highest confidence, we had been directed to ask it of those actually in authority, and of the then existing Government of the country. We observed that we did then, in pursuance of our instructions, ask of that Government to furnish us with a statement, or full information, as to the actually existing state of things; of what number of provinces that Government was composed; the form of its confederacy, and the constitution by which they were united; the population in each province; the principal commodities of commerce, the imports and exports; the amount of its revenue derived from foreign commerce as well as from internal taxation; the strength of its regular army, and the number of its militia; the amount of its tonnage, and the strength and number of its public and private vessels of war; and what were its relations with foreign nations, or with the adjoining provinces; or had the Government of Buenos Ayres formed any treaty or understanding with any foreign nation, or with any other of the provinces of South America who had actually declared themselves independent, or were then in a state of revolution and at war with

Spain. We assured the Secretary that our Government sought for this information from an experience of the want of it, and in a spirit of the most perfect amity; that, until the commencement of the present revolutionary movements in that country, it had been so comparatively locked up from the eye, observation, and intercourse of every foreign nation, that the real state of things in it had been but very imperfectly, and, in some respects, was wholly unknown; that the friendship so openly and decidedly expressed by a considerable portion of the people of the United States would furnish conclusive proof of the spirit of goodwill in which this information was sought, and, in itself, was a guaranty that their Government would, under no circumstances, use the communications that might be made for improper or unfriendly purposes towards the people of that country. But, if that Government should think proper to note any communications it should make as private and confidential, we pledged ourselves that our Government would never suffer it to go to the public; if, indeed, there could be wanting any other more solemn and decided manifestation of respect, on its part, than the very act itself of our having been sent in a public ship of war to have this intercourse with them. The Secretary, in reply, said that his Government had the greatest confidence in the friendly dispositions of that of the United States, and that the people of the two countries were friends and brothers, felt as such, and would act towards each other as brothers; that the information sought for should certainly be granted, and that orders would be given to the proper public functionaries to collect, digest, and arrange it in the most acceptable and intelligible form; that, as regarded foreign nations, they had hitherto had no official communication with any of them; and that their relations with all, except Spain, were those of mere peace, such as were obvious to the world, without any treaty or stipulation of any kind whatever; that from some they had met with acts of injustice and hostility, but, finding themselves so much occupied with their revolutionary movements as to be unable to resist or resent, they had therefore borne with wrong, and suffered the mere relations of peace to continue.

We had several conversations with the Secretary, all of which were asked for by us, in the course of which the matters I have related were fully and in various forms reiterated and explained to him; and in all, from the first to the last, the request for information was repeated in terms of similar import, and at each interview the promise of its being soon and fully granted was renewed.

As the promised communication was not, however, made before I took leave of the Director and left Buenos Ayres, I shall proceed to present such information relative to the United Provinces of South America as I have been able to collect from those sources which were within my reach, and that appeared to deserve confidence; leaving my statements to be corrected by the

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official account which I understand has been furnished by the Government of Buenos Ayres, where they materially differ, or to be revised by any other standard you may think proper to apply.

The new Political Union, whose Government we found seated on the shores of the river Plata, which once styled itself "The United Provinces of the river Plata," and which now, having been actuated by caprice, or by more correct or more enlarged views, assumes the name of "The United Provinces of South America," has declared the independence, and claims the privilege of self-government for all the people, and the rights of a nation over all the territory of which the late Spanish viceroyalty of Buenos Ayres was composed in the beginning of the year 1810. It thus designates the boundaries of its territorial claims, and the extent of the jurisdiction it asserts. It will be proper, therefore, to trace out its extreme limits as the country relative to which our inquiries are to be more particularly directed.

The Spanish viceroyalty of Buenos Ayres is situated to the southward of the Portuguese dominions of Brazil, and, according to the treaty of St. Ildefonso, of 1777, the following boundary between them was finally adjusted: Beginning on the coast of the Atlantic at a place called Invernada de Felix José, a little to the south of the Rio Grande de St. Pedro; thence, in a northerly direction, along mountains or highlands, to the Rio Iquacu, or Caluetiba, or Coreitiba; thence, down that river, to the Parana; thence, up that river, to the lower end of the Illia Grande de Salto; thence, in a westerly direction, to where the Rio Paraguay is intersected by the tropic of Capricorn; thence, up that river, to the mouth of the Rio Latirequiqui, near the foot of the Cordillera de St. Fernando; where, taking leave of the dominions of Brazil, the boundary of the viceroyalty, excluding the Indian territory to the north, was further designated by a line directed; thence, nearly west, to the Sierras Altissimas; thence, along the confines of the province of Mizque and the Altos Intinuyo, including the province of La Paz, to the Cordilleras of the Andes which pass to the westward of Oruro and Paria, to the Cordillera Real; thence, south, along the most elevated summit of the principal Cordillera of the Andes, until it is intersected by the parallel of thirty-eight and a half degrees of south latitude; thence, due east, to the Atlantic; thence, with the coast of the ocean, to the beginning, at Invernada de Felix José.

To the south of latitude thirty-eight degrees and a half, and between the Andes and the Atlantic, as far as the Straits of Magellan, is, at present, entirely in possession of the various tribes of Patagonian savages, over whom the colonial Government exercised no authority, nor asserted any claim, other than that of a right of pre-emption and of settlement in their territory against all foreign nations; to which rights and benefits the independent Government claims to have succeeded. That tract of country which now forms the

three provinces of Mendoza, San Juan, and St. Louis, and which, under the Spanish Government, was called the Province of Cuyo, was about half a century ago, attached to the colonial viceroyalty of Chili; since that time it has continually belonged to Buenos Ayres. And the province of Arica, which covers that space to the westward of Potosi and Chicas from the summit of the Andes down to the Pacific Ocean, was, by a royal order, about the year 1774 taken from the viceroyalty of Buenos Ayres, and annexed to that of Lower Peru or Lima, and is at present under that jurisdiction.

The vast elevated plains, a great part of which are, in the rainy season, entirely overflowed, lying to the north of Llanos de Manso and the Sierras Altissimas, that are traversed by the principal branches of the Rio Madeira, which winds its way along the back of Brazil into the Marañon, and that are also drained of their waters by some of the branches of the Paraguay, and which are comprehended under the three colonial divisions of the Chequitos, the Government of Santa Cruz de la Sierra, and the province of the Moxos de Musu, like the great pampas to the southward of the Rio de la Plata, seem to be destined to eternal vacancy, or to the rearing of innumerable herds, and to be inhabited only by their keepers. At present they are in the possession of several tribes of Indians, over whom, and their territory, the Government of the viceroyalty claimed no other right or jurisdiction than over the pampas of the south; which, however, the Patriot Government in like manner asserts, has devolved on it by the revolution.

To the westward of Paria and Oruro lie the provinces or jurisdiction of Carangas, Pacajes or Berenguela, and to the north of La Paz, and to the west of the Cordillera de Acama, lie the provinces or districts of Omasuyos, Chucuyto or Puno, Lampa, Asangaro, and some others; all of which are said by Ulloa to be within the audience of Charcas, the scene of the celebrated rebellion of Tupac Amaru; and which audience, according to Dean Funes, was given entire to the viceroyalty of Buenos Ayres when it was erected, and it is so laid down. But I have excluded these provinces by the general outline I have drawn of the viceroyalty, because, not being able to learn that any revolutionary movements had been made in them, I wished to disencumber the subject of our survey as much as possible, as well by separating it from such districts as from Indian territory.

Such are then the outlines of this Union, or rather proposed Government, and asserted confederation, embracing an extent of territory much more prodigious than has ever been yet known to be comprehended under one and the same voluntary association. Excluding the great triangular space of Indian territory, of upwards of two hundred thousand square miles in extent, called the Llanos de Manso, lying between the province of Paraguay and the mountains, and excluding also the high plains to the north and the pampas to the south, we shall find a mixed and civilized population of

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one million and eighty thousand souls scattered over a space of about seven hundred and sixty-three thousand square miles, from one extremity of it to the other. The thirteen United States of North America, within the boundary designated by the treaty of 1783, comprehended a territory of about eight hundred and thirty-one thousand square miles. They erected almost all, and some of the best of their political institutions in the severest season of the revolutionary struggle, in a "time that tried men's souls." They vanquished their enemy, and accomplished the final establishment of their independence and freedom, with a population of about three millions, seated between the seashore and the mountains, on a tract of country of not more than two hundred and fifty thousand square miles; their population was composed almost exclusively of agriculturists, very thinly scattered, as was said of them, over an immense forest. The difficulties which the invader had to encounter, the ease with which his blows were parried or eluded, and the fortitude with which he was met, and the deadly skill with which he was struck, it has been often said, were owing to various peculiar circumstances—to the nature of the country, its water-courses, forests, mountains, and fastnesses; to the habits, manners, and customs, of the people, arising out of their political institutions, their situation, and their necessities. Each, no doubt, had some effect; and, in the natural order of events, tended to the same great end, the accomplishment of our independence and freedom.

A revolutionary struggle not materially dissimilar to that which so much excited the interest and feelings of the civilized world, as exhibited on the northern coasts of the Atlantic, is now making some of its most active efforts on the shores of La Plata, and within the extensive limits I have designated. The people of the United States, who sympathize warmly with this new contest, will take great interest in drawing out a comparison of difficult situations, and deducing inferences from trying circumstances analogous to those with which they or their fathers formerly contended; and, to enable their Government to act understandingly, and to bestow their friendship in a manner worthy of its dignity and value, it will be necessary to look over and examine this newly-asserted Union; to survey the locality of the several parts of which it is composed, and to estimate the numbers and powers of each; to measure the spaces between them, that we may form some opinion as to how and when they may be filled; to see how each has been, and how it is now governed; and to inspect the bonds which hold them together, and the repulsive principles which have driven some of them asunder. It will be proper that these things should be done, that we may understand how much it is to be attributed to nature, and how much to accident; how far the revolution has been promoted by the virtues and patriotic wishes of the people, and how much retarded by designing and ambitious military leaders; what is to be feared, and what to be hoped, from the future.

15th CON. 1st SESS.—67

The viceroyalty of Buenos Ayres, like all others of the Spanish possessions in America, was laid out into civil and ecclesiastical divisions, which grew up under peculiar circumstances, were from time to time altered, and often cast from the jurisdiction of one viceroy or governor under that of another, according to the increase or change of population, as convenience suggested, or to gratify the caprice or cupidity of the regal rulers. And, besides, the very nature of the colonial Government itself was but illy calculated to define and preserve, with any tolerable degree of distinctness, the territorial boundaries of the several audiences, provinces, bishoprics, jurisdictions, intendencies, presidios, and governments, into which the viceroyalty was divided. I have, therefore, put together all I have been able to collect from books and some intelligent persons; and, with what I saw, and by the help of the largest and best map extant of the country, corrected down to the year 1807, I shall describe and give the name of *province* to each of these cities or districts which appear to be politically distinct, by having been at any time so treated, or being now, or at any time heretofore, separately represented in the body called the Sovereign Congress of the Union.

I propose first to direct your attention to the provinces successively, that we may note the geographical situation, extent, and population of them severally, and the relation which each one has, by representation or otherwise, with the confederacy—recollecting that the ratio of representation, fixed by the existing government or *reglamento provisoria*, is one representative for every fifteen thousand citizens.

The province of Buenos Ayres, situated in the southeastern corner of the Union, is bounded by the Rio de la Plata; by the ocean to the southward of that river; by the territory of the Patagonian Indians as far as about the sixty-first degree of west longitude; thence by a line north to the Aroyo del Medio; thence, by that watercourse, to the Paraguay; and thence, by that river, to the Rio de la Plata. This is by much the most populous of the provinces below the mountains. It contains, according to the last census, ninety-eight thousand one hundred and five souls, which is said to be exclusive of troops and transient persons; but, including those, it is said to amount to one hundred and five thousand persons of all description. The army, quartered in Buenos Ayres, is said to amount to two thousand five hundred men; if so, then it follows that, exclusive of citizens and soldiers, this province contains a population of more than four thousand resident foreigners and others. According to the same census, there are within the same city and suburbs of Buenos Ayres forty-seven thousand one hundred and eighty-four souls, exclusive of troops and transient persons. The principal towns or villages are Ensenada, St. Isidro, and Las Conchas, on the river Plata, and Luxan in the plain. There are, besides these, some lesser groups of population, the rest of which is scattered over the plains of this pampa province, that may be estimated as containing fifty thousand square miles.

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In the city of Buenos Ayres is situated the strong fort, within which is the palace, where the former Vice-king dwelt, and which is now occupied as the residence of the Supreme Director. This city was formerly the capital and seat of the colonial Government, and therefore, and for that reason, asserts and maintains that it is of right, and ought now to be, the capital and seat of the independent Government; and the Government is now seated there accordingly. This province is represented in the existing Congress by seven representatives, which is its full quota according to its population.

The province called Montevideo under the royal Government, but which, since the revolution, has acquired the appellation and is most frequently designated by the name of the Banda Oriental, with relation to the river Uruguay, which forms its entire western boundary, and from its lying wholly to the eastward of it; this province lies immediately opposite to that of Buenos Ayres, and is situated in the northeastern extremity of the Union; it is bounded by the ocean on the east, by the Rio de la Plata on the south, by the river Uruguay on the west, and by the Portuguese dominions of Brazil on the north. Its present population is said to amount to about forty-five thousand inhabitants, who have for their chief leader and Governor, General José Artigas. The city of San Felipe, or Montevideo, as it is more usually called, from an elevated hill or look-out place opposite to the point of land on which the city stands, contains at present, after the waste, devastation, and destruction of the English, Spaniards, and Portuguese in succession, a population of about ten thousand souls. Maldonado is another of its towns, situated on the Rio de la Plata, near the seacoast; it contains about two thousand inhabitants. The capital, or present seat of Government, is held at a place called Purification, formerly Capilla Nueva; it is a town which contains between three and four thousand inhabitants. This province, with some unsettled Indian territory, embraces about eighty-six thousand square miles. It has no representative in Congress, and refuses to be represented in that body under the present political system; and is now at open war with Buenos Ayres.

The province of Santa Fe, within which may be included what was called, under the colonial Government, the jurisdiction of Corrientes, lies immediately adjoining and west of the Banda Oriental and Buenos Ayres. It extends in a narrow slip entirely across the Union, from the Patagonian territory on the south, to the dominions of Brazil on the north. It is sometimes called the Entre Rios, from the greater portion of it lying between the rivers Uruguay and Parana. That part of the province which extends over the pampa south of the Paraguay is bounded on the west by a line drawn nearly south from that river, above the city of Santa Fe, passing the easternmost point of the Lagunas Saladas de los Porongos, leaving the village of Frayle Muerto on the Rio Tercero to the west, unto the land of the Patagonians; thence east to the province of Buenos Ayres. This province of Santa Fe or Entre

Rios, exclusive of the Guarana tribes of Indians dwelling above Corrientes, and the Charrnas, seated below the city of Santa Fe, contains a civilized population of about twenty-five thousand souls. The city of Santa Fe, its capital, which is pleasantly and conveniently situated on the right bank of the Paraguay, is said to contain a population of not much more than six thousand inhabitants; and the city of Corrientes, farther up the river, is about the same size. This long, narrow, province comprehends, including the territory of its Indians, about one hundred and four thousand five hundred square miles. In the year 1814, and prior to that period, it had one representative in the Congress of the Union; it now has none, and is in alliance with the Banda Oriental, and at war with Buenos Ayres.

The province of Cordova is composed nearly of that which was formerly the colonial jurisdiction of Cordova. It is bounded by the territory of Santa Fe and the Rio Salado on the east; by the Patagonian boundary over the pampas on the south; thence, on the west, by the line to the Sierra Comichigeles, and along that ridge to its northern extremity; thence in a northeast direction, including the town of Tamisqui, on the Rio Dulce; and thence across the Rio Salado. Its capital, the city of Cordova, is a neat town, delightfully situated on the Rio Primero, and contains about ten thousand inhabitants. The population of the whole province is estimated at seventy-five thousand souls; and it measures about one hundred and five thousand square miles in extent. It has, therefore, gone astray from the Union; but it has been brought back into the fold of the confederation by the bayonets of Buenos Ayres. It is reckoned a good or tory province. It has now only three representatives in the existing Congress, although its full quota is five; because, as it is said, it does not choose to defray the expense of a greater number.

The province of Punta San Luis has been carved out of the easterly portion of the royal province of Cuyo. It is bounded on the east by the territory of Cordova; on the south by the Patagonia pampas; on the west by the Rio Moyalac, Leuvu, and the Desaguadero, to the Laguna Grande; thence, on the north, by a line drawn in an easterly direction to the confines of Cordova. The province contains a population of not much more than ten thousand souls. Its chief town, and seat of Government, is San Luis de la Punta, or the point of St. Lewis, from its being situated at the but-end of one of the ridges of the mountains of Cordova. The town contains about two thousand inhabitants, and is agreeably situated in a well-watered valley. From this place, the post road from Buenos Ayres to Mendoza passes over the Travesia, the most dreary region I ever saw, sixty miles in breadth, where there is not a single human habitation, nor one drop of fresh water to be had. The town of San Luis is made one of the principal places of confinement for the prisoners of war captured in Chili and on the frontiers of Peru. This province is the poorest, and has been always the most faithful to the Union. It

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contains about forty thousand square miles in extent. One representative is now and has always been received from it, although its population is below the given ratio. The present Supreme Director was its representative when he was elevated to the station he now holds.

To the westward of the province of San Luis, stretching along the great Cordillera which separates it from Chili, as far south as the Rio Blanco, lies the province of Mendoza. This province is another, and the largest of those which have been formed out of the colonial one of Cuyo. Its whole population is calculated at thirty-eight thousand inhabitants; of which, about twenty-one thousand are found in the capital and its suburbs, the town of Mendoza, which is very advantageously situated on one of the branches of the Tunuyan, immediately at the eastern foot of the Andes. Mendoza has a beautiful public walk, and has been much improved of late years. The province has always been zealous and hearty in the cause of independence and liberty. It is of right entitled to two representatives; but it at present has only one member in the existing Congress. It contains, of plains and mountainous territory, about thirty-eight thousand square miles.

To the north of Mendoza, lying along the eastern foot of the Andes, and extending as far north as the ridge which separates the waters of the Rio Magana from those of the Rio Famatina, is that fine territory, bounded on the east by Cordova, formerly called the valley, now the province of San Juan. This includes the residue of what was formerly comprehended under the name of Cuyo. It embraces a tract of about thirty-six thousand square miles, and contains a population of thirty-four thousand souls; about nineteen thousand of which are seated in its capital, San Juan de la Frontera. The patriotic public spirit of San Juan has never been questioned; and yet it has no more than one representative in the present Congress, when, according to its population, it should have two.

Still further north is that pleasant valley now called the province Rioja, towards whose boundaries we are directed by the Rio Anqualasta, by which it is watered and rendered fruitful, and which, after lifting its arms in various directions among the surrounding mountains that designate the confines of the province, terminates and subsides in a lake to the southward of Simbolan. Its whole surface may be estimated at twenty-two thousand four hundred square miles. The population of this province amounts to twenty thousand souls, and its capital town is Todos Santos de Rioja la Nueva. Rioja has always been attached to the Union. It has at present one representative in Congress, and is entitled to no more.

Turning immediately to the east, and adjoining, we find the delightful valley of Catamarca, which now, with that of Conando, next to it on the north, forms the province of Catamarca. The adjacent ridges form a great rampart all round these two valleys, and are the acknowledged and natural limits of the province. It contains a popu-

ulation of thirty-six thousand souls, and its chief city and seat of Government is Catamarca. Its extent of territory does not exceed eleven thousand two hundred square miles. Catamarca, besides other efforts in the cause, has manifested its sincere devotion to independence and freedom, by furnishing from itself alone nearly six thousand men to the patriot army. It has now, however, no more than one representative, although its population entitles it to two.

Directly to the east of the valley of Catamarca lies the province of Santiago, formerly the colonial jurisdiction of Santiago del Estero. It is bounded on the south by the territory of Cordova; on the north by a line running in a northeasterly direction from the head of the Hondo to the Laguna de Molaras, and by the Indian territory of the Great Llanos de Manso on the east. This province embraces a territory of forty thousand square miles in extent, and has a population of forty-four thousand souls. Its chief city and seat of Government is Santiago del Estero, situated on the banks of the Rio Dulce, in which there are about ten or fifteen thousand inhabitants. Santiago has wavered in its attachment to the Union, but has never been wanting in bravely defending the cause. Its population rightly entitles it to three representatives in Congress, it has, however, at present only one.

Along the whole northern frontier of Santiago, and of the valley of Conando, lies the province of Tucuman, formerly the royal jurisdiction of St. Miguel de Tucuman. It is bounded on the east by the mountains of the Yuanes; on the north by a line extended from that ridge westerly to the confluence of the Tala and the Salado; thence, to the source of the Tala; thence, along the ridges which include the valley of Palicipa, to the great Cordillera; thence, along the Andes, to the Rio de Beilen; thence, to the confines of the valley of Conando. The population of this province amounts to forty-five thousand souls; its chief city and seat of Government is San Miguel de Tucuman, situated on the Rio de San Miguel, which unites with the Rio Dulce not far below the city. The province comprehends about an extent of fifty thousand square miles of territory; it has been generally attached to the Union and the cause. It was once honored with the presence of Congress, in which body it has two representatives, although it is entitled to three.

Rising from the unbroken plains, and proceeding still farther to the northward, we next enter the province of Salta, lying in level spaces among the elevated spurs of the Andes. It is bounded on the east by the Rio Vermejo; on the north by the Rio Grande, to the confluence of the Aquilotes and Siancas; thence, to the source of the Rio Perico; thence, including the valley of Calchaqui, which forms its western boundary. This province contains fifty thousand inhabitants, and an extent of forty-one thousand square miles of territory. Its chief city is San Felipe el Real de Salta. Salta has been accused of wavering in its attachment to the Union and the cause, but it has been very much the seat of war. It is now

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said to be a firm member of the Confederation, and it is made the headquarters of the patriot army of Peru, under General Belgrano. Although it ought to have three representatives, according to its population, it has now no more than one member in the Congress.

Ascending still in a northerly direction, we next enter the province of Jujuy, stretching along the whole northern frontier of Salta, and extending westward to the ridges in which are found the sources of the Rio de San Salvador; thence, with its summits as far north as the ridge which surrounds St. Bernardo, and along the mountains of Tacsora; thence, descending by the eastern branch of the Rio Tarija, to the territory of Salta, embracing a mountainous tract of thirty thousand square miles. The population of Jujuy amounts to twenty-five thousand inhabitants. Its chief city is San Salvador de Jujuy, situated on the Rio Grande de Jujuy, or de Aquilotes. It has one member in the present Congress, which is its full quota of representation. The whole, or the greater part of this province, is said to be at this time occupied by the enemy.

Turning to the west, and crossing the mountains, is found the province of Chicas, extending along the brow of the great Cordillera of the Andes, which separates it from the desert district of Atacama, and north of the province of Tucuman, as far as the source of Pilcomayo; thence, descending that stream, and passing the ruins of ancient Tarija, and ascending the Rio Toxo until it intersects the Chica mountains, it forms what is called the province of Chicas, extending over a space of twenty-six thousand four hundred square miles, and which has a population of ten thousand souls. Its chief town is the city of Tupiza, distant one hundred and eighty miles from the city of Potosi; besides which, it contains the city of Catagayta, on the river of the same name, which pours itself into the San Juan below the town and great pass of Suipaca, which, together, unite soon after with the Pilcomayo. This province sends one representative to Congress, to which it is entitled, and no more. It is, at present, under the royal Government.

To the north, and adjoining Chicas, lies the far-famed Potosi. The valleys of Porco, Paspayo, and Yamparaes, compose the present province of Potosi; and the circumjacent ridges of mountains, which overlook those valleys, form its lofty barrier and boundary, which embraces an extent of territory not exceeding twelve thousand square miles. This province contains a population of one hundred and twelve thousand inhabitants, thirty thousand of which are seated in the city of Potosi itself; and the city of La Plata, or Chuquisca, is said to be no less populous. This province was attached but a short time to the Union. According to some accounts there were four representatives in Congress, which assembled at Tucuman in the year 1816. Its population would entitle it to seven members, but, at this time, it is not represented in Congress at all; and has been, for some years past, entirely under the royal authority.

To the eastward of Potosi, and between the Rio Condorillo, which divides it from Cochabamba and the mountains, or Altos de la Intinu-yo, is the province of Mizque, which is composed of the valleys of Pomabamba, Tomina, and Mizque. It contains a population of fifteen thousand souls, and is nine thousand square miles in extent. Its chief city is Pomabamba. The population of this remote province exactly entitles it to one representative, which it has sent, although it is now subject to the colonial Government.

Directly to the west of Mizque, and north of Potosi, lie the valleys of Charcas, or Chayanta, and Oruro, extending to the principal elevation of the Andes, which compose the province of Charcas, that measures only five thousand square miles, and contains a population of one hundred and twenty thousand inhabitants; thirty thousand of whom are found in the city of Charcas, or Chayanta, which is its capital. This province is now, and has been for some time past, under the government of the mother country. But, like some others, as we have seen, from illiberality, policy, or intrigue, it has placed or continued three members in the present Congress, and yet, to be fully represented, Charcas ought to have ten representatives.

To the north of Charcas lies the small but prodigiously fertile territory formerly called the valley, now the province of Cochabamba, at the head of the Rio Grande de la Plata, or Guapahi, which pours its waters into the Great Marañon. This province contains a population of one hundred thousand souls, the capital of which is the city of Oropesa, and yet its extent does not exceed three thousand four hundred square miles. Cochabamba, according to its population, ought to have seven representatives. As being now, and having been for some time past, entirely under the royal Government, it ought not to be represented at all; yet, according to some notions, or views, or circumstances, which I do not understand, it has one member in the present Congress.

Crossing the ridge of mountains which bound Cochabamba on the north, we enter a delightful valley called Cicacica, watered by various small streams with which the Rio Beni, one of the limbs of the great Amazon, begins to form itself. This valley constitutes the province of La Paz, the most northerly and remote one of the Union. It is said to contain a population of about sixty thousand inhabitants, and may be estimated at an extent of ten thousand square miles. When represented it will be entitled to four representatives. It is now, however, entirely in possession of the colonial authorities, and has no member in Congress.

From the northern boundary of La Paz, leaving the lofty ridges called the Sierras Altisimas, which are almost entirely encircled by the Rio Grande de la Plata, and passing by Santa Cruz de la Sierra la Nueva, or San Lorenzo el Real de la Frontera, to the mouth of the Rio Latirequiqui, thence down the Rio Paraguay to the lowest extremity of the territory of the Abipones,

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a short distance above Santa Fe; thence, ascending again by the way of the Laguna de Molaras, and along the eastern boundary of the provinces whose limits have been just described, to the Altos de Intinuyo, will present a very extensive triangular space of country running in a southerly direction into the United Provinces of South America. This territory is altogether owned and occupied by various tribes of Indians. It is an extensive elevated plain called the Llanos de Manso, watered by various branches of the Paraguay passing through it; but it is very illy supplied with timber. The tribes of the Llanos de Manso, as well as many others to the northward, were formerly under the pious pupilage of the Jesuit missionaries; but their pastors having been withdrawn and expelled, they have lost all the genuine notions of civilization that were taught them, if, indeed, they really ever learned any, and are now, in situation and habits, similar to our neighbors, the Osages and Mandans of the river Missouri.

And, finally, after passing in an easterly direction over this great triangle of Indian territory, the province of Paraguay, in many respects the most interesting and important of the Union, presents itself. It is bounded by the rivers Paraguay and Parana, and the dominions of Brazil; and, with an extent of forty-three thousand two hundred square miles, it contains a population of about one hundred and ten thousand souls. Its capital is the ancient city of Assumption, situated on the left bank of the Paraguay. This province has never been attached to the Union. About the year 1810 the Government of Buenos Ayres sent an army into it, under the command of General Belgrano, for the purpose of forcing it into the Confederacy. The Buenos Ayres forces were compelled to retire. Soon after Paraguay declared itself independent, or some of the chiefs snatched the power from the hands of the colonial rulers, and declared war or a hostile non-intercourse against Buenos Ayres, which is the present state of the relations between them. And not long after Paraguay assumed a similar stand with regard to the provinces of Santa Fe and the Banda Oriental. Paraguay, therefore, has never, at any time, had a representation in the Congress of the Union, but, according to its population, it would be entitled to send seven members.

This completes the survey I proposed to take of the several political divisions of this extensive Union, and of the local situation, the extent, the amount of population, and the relationship of each to the whole.

They having sprung from the same origin, and speaking the same language, having been bred up in the same religious creed, and been governed by the same laws, are of themselves strong foundations whereon to rest a political union. These circumstances operate very powerfully throughout Spanish America; they are among the leading causes which hold together a part of the provinces which I have described, and they produce a disposition in them all to unite; indeed, they

seem, at times, to have excited the expression of a hope that all who speak the Castilian tongue, and worship according to the Catholic faith in America, might be formed into one grand Confederacy. But the good sympathy arising from these circumstances will be displaced by the experience of profitable advantages; and the benevolence that is awakened by the sound of the mother tongue from the lips of the stranger, and his observance of the same forms of Divine adoration, will be suppressed or banished by the dictates of self-interest, and a regard to those calls and necessities which local circumstances suggest or imperiously demand, and by those habits and customs which the peculiarities of the country insensibly inculcate and cherish. Therefore, to form an opinion of the nature and strength of those sympathies, interests, and circumstances, by which these provinces are now in part united or dissevered, attracted towards or repelled from each other, and also to render some of the traits in the character of its population more intelligible, and to understand the nature of its commerce, it is necessary that we should take a survey of this Union, with reference to the physical character of the country, and observe what are the articles produced by its soil, or by the ingenuity and industry of its inhabitants, making no other reference to the provinces than as they may serve to assist in designating the extent of each of those districts which are naturally and characteristically different from the rest.

Supposing we were to draw a line, beginning on the river Paraguay, near the city of Santa Fe, which should sweep northwardly, so as to include a portion of the province of Cordova; thence, bending round below that ridge of the mountains of Cordova, near the foot of which stands the town or village of St. Augustine; and thence, passing along a little below the eastern boundary of the province of the Punta San Luis, proceeding due south, we should very nearly designate the western limits of one of the most extensive and peculiar plains in the world, which stretches from the shores of the Rio de la Plata toward the southern extremity of our continent, between the line I have described and the coast of the Atlantic ocean. This is the vast flat plain or pasture ground of Buenos Ayres, or, as it is most usually and correctly called, the *pampas*, which word, in the Quecha tongue of Peru, signifies properly a valley.

This pampa, which forms a part of the territory of Cordova and of Santa Fe, and all that of Buenos Ayres, if measured entire into the country of the Patagonian tribes, extends in length fifteen hundred miles, and in breadth, in a direct line, following the southern boundary of the Union, five hundred miles from the ocean to its western confines. Over all this immense space there is not a tree, not a shrub, nor a single perennial plant to be seen, save only those few which here and there lift their heads near a herdsman's hut. There are no hills or eminences, and the undulations are so gentle as only to be perceived by taking a long view over its surface; and then

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the eye passes round and round the horizon as over the face of the undulating ocean in a calm, where there is not a single object to delight, or to relieve, or to vary the scene. The keen blasts called the pamperos sweep over the houseless and unsheltered plain without the least obstruction; and the fierce rays of the sun are felt in all their unmitigated fervor. You are sometimes in sight of thousands of animals, but they are chiefly horned cattle and horses, and the deer, ostriches, wild dogs, and others, fly as you approach. For a while the pampas present the mind with an agreeable astonishment; but that soon subsides, and the eye may often be directed in vain in any way to obtain a single glimpse of society. Surrounded by a boundless, silent sameness, one sensibly feels the value of the voice and variegated scenes of nature. This interminable plain spreads out one of the most expanded and awful solitudes on earth.

I do not know that any chemical analysis has ever been made of the nature of the qualities of the soil of the pampas, nor can I say that the few experiments that have been tried to shade them with a lofty growth were made with botanical skill; but they have all hitherto failed. I can only relate what I saw, and what were recounted to me as the trials of husbandmen and others, who, actuated by a love of gain, or directed by fancy, were anxious to aggrandize themselves, or to decorate their possessions. It is now two hundred and thirty-eight years since the city of Buenos Ayres was founded, and in six miles out from the Plaza Mayor you take leave of all quintas, gardens, and orchards, and enter upon the great, naked plain. The post road from Buenos Ayres to Mendoza (along which I travelled) passes five hundred miles over these pampas. In all that distance I saw not a single stone, no gravel, nor any sand; the surface of the earth appeared to be entirely a soft, black, rich soil on the banks of some of the rivers, and in places a reddish clay appeared. The water in almost every well in the city of Buenos Ayres is brackish; that of the wells in the pampas is generally as bad, and in some places worse. The water of the river Plata is used for drinking where it can be had. Many of the rivers of the pampas are brackish, as their names indicate, and there are in these plains many salt lakes; those called the Laguna Brava, one hundred and twenty miles, the Laguna Palantalen, one hundred and forty miles, the Lagunas de Monte and del Oeste, two hundred miles, and the Salinas de Paraguayes, two hundred and sixty miles from Buenos Ayres, before the revolution, at one time employed constantly from three to four hundred carts in carrying salt from them to the city for the supply of the country, and they now furnish a considerable quantity. There is under the whole of these pampas from three to twelve feet, and in some places more, below the surface, a stratum of earth of a foot or more in thickness, which appears to be a concreted clay, about as firm as a common brick. This concretion, as it projects along the water's edge of the Rio de la Plata at the city of Buenos Ayres, is called *tosco*, or rough

earth. On the margins and beds of most of the watercourses this stratum of *tosco* is visible; and the Rio Arecefe, or the river of the paved bottom, rolls entirely over it for a great distance. Near the banks of the La Plata, the Paraguay, and their branches, there are a few large trees and some shrubbery; but most of the lesser streams creep through the plains, as in crooked ditches, without their courses being perceived at any distance, either by trees, shrubs, cliffs, or valleys.

The pampas are exceedingly productive in grass, and a great proportion of them are beset with a species of thistle, which grows from two to seven feet high, and is not unlike our garden artichoke. The only tree that seems to flourish everywhere, as a natural free citizen, is the embudo, or the perennial poke; its trunk, however, is a mere watery pulp, and the growth is utterly useless for every thing but shade. The peach grows well; but, in our country, it flourishes best on the seacoast and on the borders of the salt marshes. The olive and the fig also thrive; but they are natives of the dry and saline deserts of Arabia. Except these, there are no trees which appear to indicate that nature made them welcome where they were. There is no tradition that, in all this immense extent of territory, called the pampas, one single stick of good timber has been ever found growing at the distance of one mile from the rivers. If I might be indulged in adding a conjecture to the facts I have related, I would say that it seemed to me that this great plain had been gently lifted just above the level of the ocean, and left with a surface so unbroken and flat as not yet to have been sufficiently purified of its salt and acrid matter, either by filtration or washing, as to admit of the growth of anything more than mere grass and herbage, out of the upper stratum by which it is covered. The pampas are sometimes afflicted with the most wasteful droughts, when vegetation is parched up, the ponds and streams are dried, and the numerous herds of cattle either die of thirst, or wander away towards the rivers in pursuit of water, and are wholly lost.

The soil of the pampas produces good wheat, barley, and Indian corn; but the crops frequently fail. The grain of the wheat has the appearance of a very inferior quality; but it makes excellent flour, and is said to be much superior to that of Chili, which looks so much better on comparison. Chacaras, or grain farms, have neither been extended nor multiplied since the revolution; and I question whether agriculture be likely soon to increase in this country; while, on the one hand, it has to overcome the difficulties incident to the want of timber, and the peculiarities of the soil, and, on the other, to resist the temptations to pasturage, to which the country invites so strongly, and to which it is so eminently suited. The staple commodities of this great district of pasture ground are derived chiefly from its innumerable herds of cattle. It might furnish any quantity of salted beef; but the present Government has thought proper to prohibit the putting it up. Therefore, the only articles which it now

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furnishes are hides, tallow, horns, wool and hair, viscacha, sheep and wild dog skins. In some years it produces a surplus of wheat; and it has furnished, and still supplies, some salt from its lakes. There are, also, some furs and swan skins, and feathers, brought from the Patagonian territory. The ostrich of the pampas, with the size and speed, and much of the manners and habits of that of Africa, has not a single feather of his soft waving elegance of plumage. The pampa bird is clad in a very coarse gray garb, which, when plundered from him, except what is suited for bedding, is neither ornamental nor useful. Buenos Ayres is the principal city of this district; and as it is the seat of Government, the public manufactory of arms has been erected there. The productions of its industry are playing cards, beer, spirits distilled from barley and fruit, cleaned hair and wool, hats, boots and shoes, tinware, Windsor chairs, cabinet manufacture, olive oil, candles, soap, shipbread, and some few others. In the country, the people manufacture some hats, boots, shoes, and coarse woollen cloths.

Taking in the whole of the Banda Oriental, that which may be properly called the Entre Rios; all the residue of Cordova, below the mountains; all of Santiago del Estero; and so much of Tucuman and Salta as is not extended over the mountains, and we shall describe another vast district of the pasture lands and plains of this Union, the uses of which have been hitherto similar to those of the pampas; but the nature and capacities of which are very different, and the destinies of which may finally, perhaps soon, receive another direction.

The soil of the Banda Oriental is uncommonly productive, and well adapted to all kinds of grain, of which it can easily be made to yield a most liberal return. Its surface is very waving, and everywhere abundantly irrigated with never-failing springs and streams of the purest water. There are some great spaces destitute of timber, particularly along the coast of the river La Plata, towards the Portuguese settlement of Rio Grande de San Pedro. Groves of fine timber, more than sufficient for all its necessary probable wants, are, however, scattered over its whole extent, and its more northern extremity is, for the most part, an entire forest. There has no quality yet been discovered in its generous soil, which indicates the least unkindness to any species of vegetable growth. There are no bogs, swamps, or lakes to be found in any part of it; and its climate throughout is remarkably salubrious. In short, buxom nature frolics over this beautiful scene, and with an open hand bestows everywhere health, variety, gaiety, and fecundity. The Banda Oriental has, however, hitherto been applied to no other purpose than pasturage, and the rearing of cattle, mules, and horses.

The country properly called the Entre Rios is, in most particulars, similar to the Banda Oriental; it is very fertile, and is furnished with an abundance of timber. There are, however, some extensive plashes in it, such as the baxada, or low grounds opposite Rosario, which are dry in Sum-

mer, and, in the wet seasons, covered with water; the soil, in such places, shoots up a species of reed, or large coarse straw; hence they are distinguished by the Spanish name pajanal. It was in one of those pajanales, then dry, near Santa Fe, in which the Buenos Ayres troops suffered so severe a defeat in April last. Almost the whole of the Entre Rios, like the Banda Oriental, has hitherto been employed only as a pasture ground; and, for that purpose, its fertile rincos, or forks of rivers, have been considered as the most valuable estancias, or pasture farms, in the country.

The residue of the territory of Cordova, not embraced as pampa or mountain; all that of Santiago del Estero, with so much of Tucuman and Salta as lays below the mountains, is, in general, an elevated, dry, sandy plain, destitute of timber, except near the watercourses. The Rio Dulce occasionally overflows its banks, and fills large ponds near it, leaving them stagnant, and making the neighborhood very unhealthy. Hence the addition of Estero to the name of the city of Santiago; for, when the Rio Dulce pours its waters over its banks, forming a great lake in its vicinity, it is then, unfortunately during a sickly season, truly called Santiago of the Lake. This vast plain, as well as that of the pampas, seems destined to eternal pasturage; hitherto it has been applied to no other purpose. Being at a little distance from the rivers, higher, drier, and more copiously supplied with pure water than the pampas, it is, therefore, better adapted to the rearing of horses, mules, and sheep, of which there are great herds and flocks on those plains.

The principal internal commerce from Cordova and this district, prior to the revolution, was its trade in mules sent over to Lower Peru and Lima. This traffic, although at present wholly cut off by the war, deserves notice as illustrating the actual state of the country, and the nature of its productions. At two and a half years old the mules were purchased of the breeders, in the Banda Oriental, Entre Rios, and round about, and gathered in herds near Cordova, where they were wintered, and remained about six months. Thence they were taken up to Salta, where they spent a second winter; in which time they obtained their full growth, and were put in good order for the prodigious journey they had before them. Thus, somewhat gentled, seasoned, and prepared, they were presented for sale in the great mule fair at Salta, which opened in the month of March, where they were sold at from ten to fifteen dollars a head. The drover having purchased as many as, assisted by his peons or hirelings, he could manage, which was, on an average, two or three thousand, he set out on his journey towards Lima; which, taking into account the circuits he would be obliged to make to find pasturage for the drove, may be safely computed at not less than two thousand miles, and a great part of the way over the crags and defiles of the most rugged and lofty portions of the Cordilleras, among which many of his mules commonly strayed off, and were wholly lost. To reach Lima with two-thirds of the number with which the journey

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was commenced from Salta, was reckoned a successful voyage. Mules which cost in Salta fifteen dollars, were sold in Lima for twenty-five or thirty dollars. One year with another, there were, in this manner, travelled over, from Salta to Peru, from fifty to seventy thousand mules. All the labor and transportation by beasts of burden in Peru has been, until lately, performed entirely by mules; and they seem to be the only animals which can be trusted along its precipices, and can labor under its burning sun, or that are well suited to the climate and country. This mule trade has now been so long cut off, that the stock of these useful animals in Peru is nearly exhausted, and the conveniences and productions of the country are materially affected by it. The price of a good mule now in Peru is more than three or four times what it was in the years before the revolution.

The productions of this extensive district of dry plains and wooded pasture, which I have just described, are chiefly similar to those of the pampas; they are hides, horns, tallow, hair, wool, sheep and wild dog skins, and some peltry, Indian corn, wheat, barley, and rice, fine potatoes, oranges, figs, grapes, and thence wine, brandy, and raisins, tobacco, timber, and lime. The articles which the ingenuity and industry of the people of this district produce for home consumption or domestic exchanges, are hats, tanned leather, coarse cotton and woollen cloths, candle-wick, and ponchos or cloak of the country.

To the southward of the mountains of Cordova, and to the westward of the pampas, including the whole of the province of the Punta San Luis, and the eastern part of the province of Mendoza, is another district of mere pasturage. It is a high, dry, broken plain, and perhaps the most barren and unproductive of any in the Union. A great part of it is covered with several kinds of thorny shrubbery, interspersed with which there are some small timber trees. This district produces hides, tallow, horns, some grain, wine, brandy, and dried fruit.

By including a considerable extent of the Entre Rios round Corrientes, and the whole of the province of Paraguay, we shall designate a district which by many is considered as the fairest portion of this great Union, and equal, in its various excellencies, to any tract of similar extent in all our continent. Its climate is delightful, possessing all the advantages of that of the torrid zone, without being visited by the fierce rays of its sun, or being enveloped in its pernicious vapors. The face of the country is not mountainous, nor anywhere flat; it is well supplied by a great variety of streams of pure water; its soil is everywhere found to be exceedingly fertile and productive, and a rich and variegated forest originally overshadowed the whole, and now covers a great part. This forest produces mahogany, and several other kinds of beautiful wood suited to cabinet work, and furnishes, besides, an abundance and variety of timber excellently adapted to domestic and naval architecture. This may be regarded as more particularly and especially

the agricultural district of the Union. The state of husbandry in Paraguay is said, however, to be, like that of the other provinces, in a very low and unimproved condition, and conducted in the most rude and unskilful manner. The productions of the country are as various as they might be abundant. The sugar cane grows well, but little sugar is made; its juice is chiefly manufactured into spirits. This district produces Indian corn, wheat, and barley, but exports little or none. All the European fruit trees flourish and produce well; the orange, fig, olive, and vine grow luxuriantly. It produces cotton, flax, hemp, and tobacco, hides, tallow, lion skins, tiger skins, and some peltry. Its inhabitants manufacture hats, shoes, and several kinds of coarse cotton and woollen cloths for home consumption chiefly, and they make, for the markets of the other provinces, tobacco, cigars, and matte.

Within this district grows that singular vegetable, so much in demand and use over all South America, called matte, or the yerba of Paraguay. It is a perennial plant, rather a tree than a shrub, and, when full grown, is about the size of a common apple tree. Every Spring, when the tree puts forth, as it does very luxuriantly, its succulent boughs, to about the length of two or three inches, and, when the leaves are about half formed, the young shoots, are cut, gathered, and carefully dried; and, when perfectly cured, are put up in sacks, made of raw hide, of about one or two hundred pounds weight, and sent abroad over all the adjoining provinces. The young shoots and leaves of the matte, it would seem, have received the name of *yerba*, rather from the soft and herbaceous state in which they are gathered, than from the character of the plant. The yerba is used in decoction, like the tea of China; but, instead of making it, like that, in a pot, and serving it out in cups, it is made in a little vase, and sucked up through a small tube of about a foot in length, called a bombilla, or little pump, at which each one draws. The matte is used by all ranks and classes, and is one of those luxuries which has grown into as inveterate and necessary a habit as the use of the tea of China in the United States.

Embracing all the residue of the Union under one view, we find an extensive mountainous district, stretching along below the eastern brow of the Andes, from Mendoza to La Paz, and spreading out over the whole of the province of Jujuy, as low down as the confines of the Llanos de Manso. On all those within this district I shall bestow the epithet of the *High Provinces*, as lying entirely among the broken and rugged elevations of the Cordilleras of the Andes; some of them, from Jujuy north and west, have been rather vaguely designated heretofore by the name of Peru-Alto, from their having formed a part of the empire of the Incas, whose seat was at Cuzco, three hundred and seventy miles to the north of La Paz. Throughout the whole of the high provinces, almost every one of the Spanish settlements seem to have been originally attracted to its present seat by an expectation of the wealth

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to be derived by the extracting of the precious metals from some mine in its vicinity. Each town and valley, from that of Uspillata, near Mendoza, to those of Chicas, Potosi, and La Paz, has had, or now has, some productive mine in its neighborhood. Population has gathered about these subterranean masses of wealth, and agriculture was made necessary for the support of those who came to dig, or to profit by digging for silver and gold. Recourse was had to the neighboring valleys, and the cultivation of their generous soil has, in many respects, been found more profitable, and exposed to fewer disappointments than mining. Hence, this great district, first seated as a mining country, has now become rather more of an agricultural one. The mines of Uspillata and Famatina have ceased to enchant, or to be as productive as formerly; and the watered and cultivated fields and vineyards of Mendoza, San Juan, Rioja, Catamarca, and many other valleys, have brought such a pleasing and a comfortable wealth to their owners, that they are, in many respects, perfectly cured of their fanatic love of Plata, and have become as indifferent about searching after it as their predecessors the original natives.

I directed my inquiries in various ways, for the purpose of ascertaining, with some degree of certainty, what had been, or now was, the total amount of the precious metals extracted from the high provinces of the Union, but found it impossible to obtain any data whence a tolerably fair estimate of their fecundity could be made. Before the revolution the productions of the mines of Peru-Alto were, in part, sent to Lima, in part to the ports of Cobija and Arica, on the Pacific; but the greater part was exported from the city of Buenos Ayres, whence between two and three millions of dollars were sent to Europe annually; but then a very great proportion of that amount was derived from Chili. Again: the amount sent to Spain from Chili, every year, was about two or three millions of dollars; but then the whole of that amount, together with what was sent over the Andes, cannot be set down as its own production either, because a great proportion of it was obtained from Lima, Arica, and Cobija, in payment for its wheat; so that if we are to ascertain the amount of the exports of each of the three Viceroyalties of Peru, Chili, and Buenos Ayres, it would be difficult to say how much was properly its own production, because of their having been so intermingled. Since the revolution the mines of the high provinces have been very much neglected, owing to the country's having been in so distracted a state, and so much the seat of war. It is said that, within the last year, Buenos Ayres has exported about two millions of dollars; if so, a very small amount has been obtained from the high provinces, because much the greater production, or nearly all of that amount of its metallic exports, has been, in various ways, drawn from Chili.

In addition to the precious metals, the high provinces produce copper, tin, lead, and iron;

hides, tallow, wool, wheat, corn, and barley, rice and cotton, of which last article Catamarca is uncommonly productive. They produce, also, wine, brandy, and abundance of dried fruit. It will be proper to observe, however, that this district extends over a part of that singular region of America where, owing to the elevation and range of the Andes, or to some other causes, the vapors that are lifted into the sky are not permitted to fall on it in rain during the summer months; and, consequently, as it does not rain for many months together, the valleys, to be made arable, must be irrigated from some neighboring stream of water. Beside the productions of the mines and the valleys of this district there is drawn from the heights and obscure retreats of the mountains a considerable quantity of peltry, of which gunaca, vecuna, and chinchilla skins are the chief. The gunaca wool is equal to the merino, and the wool or fur of the vecuna seems not only to be capable of being manufactured into the finest cloth, but hats made of it rival, in lightness and fineness of texture, those made of beaver. The inhabitants of this district of the high provinces manufacture hats, shoes, tanned leather, and several kinds of cotton and woollen cloths, and ponchos. And, in many respects, the native Indian mode of manufacturing, as well as the form of the fabric, has been retained.

The various routes, and the facilities by which internal exchanges are effected, and the points at which they draw together and meet the commerce of foreign nations, with much truth may be considered as the cords by which a nation or a union is bound together; along which, as by so many nerves, each province is made sensible that it belongs to one whole, and every limb is made to brace itself in the common cause of all. Therefore, to complete the concise review which I propose to present you of this Union, its several parts, and its productions, I shall exhibit some of its principal paths and channels of commerce, and the manner and places at which its productions are collected for barter among themselves, or gathered together to meet the exchanges of our citizens and those of other nations. These details may, perhaps, appear to be unnecessarily tedious, but I know not how to compress them; and, besides, statistical information consists in mere matters of calculation and interest, in which we look rather to the value and the utility of the knowledge, than to the beauty of the scene which it is in the power of the narrator to depict.

I have endeavored to lay before you a fair representation of the peculiarities of the country; and, as may readily be supposed, some of the peculiarities and the facilities of internal transportation grow out of, or are the natural suggestions of those of the country. The pampas are, in rainy seasons, very wet, and in places there are great pantanas, or spaces of soft mud; for want of stone, or gravel, or wood, the roads cannot be rendered firm for carriages. There are few places of refreshment or repair, and the dis-

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tance over them is prodigious. The carriage of burden is, therefore, accommodated to these circumstances. The Tucuman and Mendoza carts, at a little distance, look like thatched cabins slowly moving over the plain. The whole machine is destitute of a nail or a bit of iron; its great coarse wheels are not less than eight feet in diameter; six oxen, in general noble, strong animals, move it. The two front pair have a great length of cord by which they draw; and the load of the cart, which, on an average, is not less than four thousand weight, is pretty nearly balanced on the axletree; the body of the cart is either covered with raw hide or thatch made of reeds or straw; and, with a collection of brushwood as fuel, tied on the top, and brought from the westward of the pampas, these carts are seen crossing the plains in caravans of from thirty to forty together. On the journey the oxen are unyoked occasionally through the day, and at night, and permitted to seek their food round about. Thus, without any other provision than what is necessary for himself, the carrier pursues his way over a waste of thirty days or six weeks' passage. There are in Buenos Ayres and Mendoza a number of owners of these carts; and the several common carriers of Tucuman keep about two hundred of them constantly employed in the trade of that city. From Buenos Ayres to Mendoza the distance is nine hundred miles, and the fare is from one hundred and forty to two hundred dollars the cart load downwards; but, to the westward, the fare is only about forty dollars the load. The route is performed in about thirty days. From Buenos Ayres to Cordova the distance is four hundred and fifty miles, the fare, per cart load, is twenty-five dollars, and the journey is performed in about sixteen or eighteen days. It is nine hundred miles from Buenos Ayres to Tucuman, and the fare, per load, according to seasons, is about one hundred and fifty dollars. From Buenos Ayres to Jujuy, the distance is twelve hundred miles, and it is the utmost extent to which the roads are practicable for wheel carriages; the fare is not less than two hundred dollars the cart load.

Mules are used for transportation in every direction over land, as well where carts can, as where they cannot travel. But they are most commonly employed to traverse the mountains, and to bring down to Buenos Ayres the productions of the high provinces. San Juan is only one hundred and eighty miles to the north of Mendoza; and along the valley parallel to the Andes there is a good cart road from one to the other; but the direct road from San Juan to Buenos Ayres is no more than nine hundred miles, but it is only practicable for mules. In general, in the high provinces, there are no roads which are at all passable for carriages. A mule load, according to the custom of the country, is four hundred pounds weight, for which the fare between San Juan and Buenos Ayres is ten dollars, and the route is usually performed in thirty days. From Buenos Ayres to Cordova the fare is seven dollars, and so in proportion further, or

in other directions. From Jujuy, whence the transportation can only be effected, in any westwardly or northwardly direction, on mules, the distance to La Paz, the most remote city of the Union, is about seven hundred miles, and the fare is thirty-five dollars the mule load. The carriers, who make a business of transportation by mules, have from fifty to one hundred of these animals in a drove, the greater number of which are loaded when on a journey; and whatever may be the route they pursue, they carry no provisions with them, nor purchase any by the way for these beasts of burden. Either on the plains, or in the mountains, the patient, hardy animal, relieved of his pack, is turned loose at night to gather his food, and take his rest; and in the morning the load is replaced, and he is driven on, very commonly, the whole day without stopping.

The mail leaves Buenos Ayres for the north-west four times in the month. The whole distance to La Paz is little short of nineteen hundred miles; and the mail usually reaches that city from Buenos Ayres in forty days. It is said that individuals, by the usual mode of taking relays of hired post horses, and pressing forward, have gone the whole route to La Paz in twenty days, and that extraordinary expresses have gone through in twelve days from Buenos Ayres.

These are the principal paths of the commercial intercourse of the Union over land; the channels of communication by water, that have been accessible to foreigners, or which have been at all used by the inhabitants, are only those of the Rio de la Plata and its tributary streams. If we should measure directly across the mouth of this great river, from the Portuguese dominions to the line I have designated as the boundary of the Patagonian territory, we shall find a length of not more than about three hundred and seventy miles of coast on the Atlantic belonging to the Union; but if, as seems to be most correct, the river Plata be considered merely as a great arm of the sea, and its shore be taken into the account, then the Union will be found to have an extent of between five and six hundred miles of coast. The Rio de la Plata is said by navigators to have many dangerous singularities, and materially to differ from every other known river of the world. No vessel drawing more than eighteen feet water can pass up to Buenos Ayres; and all navigators are cautioned to beware of its singularly changeful currents, and the destructive blasts, called pamperos, which occasionally sweep over its surface. There are no fish of passage, which, at any season, frequent this estuary; and, therefore, there can be no fishery anywhere in it for the purposes of profitable commerce, except, indeed, the seals that may be taken on the islands of Flores and Lobos, near its mouth. The Rio de la Plata commences from Cape St. Maria, on the north, and Cape St. Antonio, on the south; thence it gradually narrows until it reaches Buenos Ayres, where it is about forty miles broad, and it terminates by a round end just above the small island of Martin Garcia, which is said to command the mouths

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of all the rivers which unite a little to the north-west of it, and pour their waters into the La Plata. At present this island is uninhabited, and seems to be considered as of little other importance than as a convenient place to procure paving stones for the city of Buenos Ayres.

On the shore of the Banda Oriental, just within Cape St. Maria, is the port of Maldonado. The harbor is chiefly formed by the small island of Gorette. There are six or seven fathoms water within it, but it is not of easy access, except for small vessels; those drawing eighteen feet or more must enter by a crooked channel to the westward of the island. Next above Maldonado, on the same side, is Montevideo. It is a tolerably good harbor for such vessels as can enter, but it has not more than fourteen feet of water within the cove. The *ensenada de St. Lucia*, above Montevideo, has about eighteen feet of water at its mouth, but furnishes no harbor. The Rio las Conchas, whose mouth is in the territory of Buenos Ayres, just below the Paraguay, is entered by vessels of ten or twelve feet draught of water, and for such it affords a good harbor. The city of Buenos Ayres is itself situated on a long, straight reach of the coast of the La Plata, and the vessels trading or belonging there lie out from two to seven or eight miles from the shore, in a bleak, unsheltered roadstead. The *ensenada de Barragan*, or the mouth of the creek of Barragan, below Buenos Ayres, affords a harbor for vessels of about twelve feet draught of water. Except these, the only security for any vessel, anywhere within the Rio de la Plata, is her ground tackle.

Passing the island of Martin Garcia, and ascending the Uruguay, on tide, by a broad and bold navigation fifty-four miles, the beautiful Rio Negro presents itself, entering from the eastward. This limpid stream, whose waters, collected from the pasture ground and groves, beset with sarsaparilla, of the Banda Oriental, are pleasant to the taste, and said to be for many cases medicinal, is navigable for all vessels that can pass over the bar in the La Plata, as far as Capilla Nueva, about forty miles from its mouth, where the capital of the country, now called Purification, has not long since been fixed. This river hides its head in the Cerro de Lascano, nearly three hundred miles farther up, and is said to be navigable for boats some distance above Purification.

Returning, to follow up the Uruguay, it is found to afford an easy, uninterrupted navigation as far as St. Antonio, or Salta Chico, more than two hundred miles above its mouth, to which place the Government of Buenos Ayres, in the year 1810, sent several launches, of many tons burden, laden with provisions and munitions of war for its army then stationed there; and I have understood that it is navigable to Capilla St. Pero, a hundred miles still further up; thence the stream is uncommonly rapid for more than three hundred miles, to where it receives the Rio Pepry from the west, and its right bank forms the boundary of Brazil; thence, about fifty miles

farther, it is met by the Rio Vermejo from the east; and from thence to its source, in the Sierra de Sta. Catherina, opposite the island of St. Catherine, on the coast, a distance of about two hundred and fifty miles, it passes wholly within the Portuguese dominions. The general course of this river is nearly northeast; and its whole length, travelling with its course, may be estimated, from its source to its mouth, at little short of one thousand miles.

Immediately opposite to the island of Martin Garcia, within a space of about forty miles, the great river Paraguay pours its mighty collection of waters into the Rio de la Plata through seven mouths, of which Brazo de la Tinta, on the left, enters the Uruguay from the west, and the Boca de las Palmas, on the right, enters the La Plata on a line with its western coast, just above the Rio de Lujan; but the chief opening, and that which is most usually navigated, is the Boca del Guante, which presents itself directly to the west of Martin Garcia. Any vessels which can cross the three-fathom bank in the La Plata below Buenos Ayres may ascend the Paraguay with ease and safety to Santa Fe, three hundred miles to the westward of Buenos Ayres, which, with a fair wind, may be reached in ten or twelve days; indeed, it is said that such sized vessels may ascend as high as Corrientes. In ascending the Paraguay from the mouth, you pursue a northwest course, about two hundred miles, to Rosario, a town on the right bank; thence north, one hundred miles, to Santa Fe, which is also situated on its right bank, and just above its confluence with the Rio Salado; thence, bending away nearly northeast, and ascending about four hundred and fifty miles further up, and twenty miles below the mouth of the Parana, you arrive at the city of Corrientes, situated on its left bank. Pursuing the same course about two hundred miles still further up, you arrive at the ancient city of Assumption, once the capital of the whole country, now that of the province of Paraguay only; thence, following a course more northwardly, after ascending about one hundred and fifty miles further up, you reach the Brazil line at the Rio Ipané, which enters from the east, at the mouth of which is situated the village of Nueva Sta. de Belem; thence rising along the stream, in a direction nearly north, and having the Portuguese dominions on the right, for a distance of three hundred miles, you meet with the Rio Latriquiqui, entering from the west, near the end of the Cordillera de San Fernando, which elevated range of mountains forming the boundary of Brazil, the river becomes wholly the right of the Portuguese; thence pursuing the same course for a distance of three hundred miles further through the great morass of the Xareyes, you find the marco, or marble pyramid, erected as a boundary in 1754, near the mouth of the Rio Jouru; by ascending which some distance, the traders of the country carry their boats over a portage of four thousand eight hundred yards into the Guapore; by descending which to the Madeira, and thence downward, they reach

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the mighty Marañon. About three hundred miles farther up you find the sources of the Paraguay in the *Prisidios dos Diamantos*; so called from its being said to have the richest diamond mines in all Brazil, perhaps in the world. So that the Paraguay, in the whole, extends itself, in a northwardly direction, nearly two thousand miles; about fifteen hundred of which affords good boat navigation, and between six and seven hundred is said to be practicable for sea vessels.

The principal branch of the Paraguay is the Parana; and, on entering it, you ascend in an east direction about two hundred and thirty miles to *La Candelarie*; thence ascending northeast one hundred and fifty miles, to the point at which it receives the Rio Ipane from the east, which is the boundary of Brazil; thence, with these dominions to the east, pursuing the same course one hundred and thirty miles farther up, and you arrive at the *Salta Grande*, or great waterfall, which interrupts the further navigation of this stream at the lower end of the *Ilha Grande*, and near the end of the *Cordillera Alto de Maracayu*, which is the Brazilian boundary on the right bank of the river. From this, the Parana ascends, in a northeast direction, into the Portuguese dominions, about four hundred miles, where it is divided into two branches, one the Rio Grande, which, turning to the eastward, and extending about four hundred miles farther, is lost in the great mountains, about one hundred and fifty miles to the north of Rio Janeiro; the other branch, called the *Parana-iva*, after stretching due north about three hundred and fifty miles, reaches its source in the lofty ridges of the *Sierra de Marcella*.

Of those rivers which enter the Paraguay from the west, there are only three which, as far as I can learn, merit particular attention. The Rio del Passage, after collecting the waters from the valley of *Calchiqui*, and traversing the greater portion of the province of *Salta*, unites with the Rio Tala, and forms the Rio Salado; which, after winding it way, in a southeast direction, through the plains of *Tucuman*, *Santiago*, and *Cordova*, travelling a distance of about four hundred miles, throughout the whole of which it is said to afford boat navigation, slants into the Paraguay at *Santa Fe*. The river *Vermejo*, after receiving the waters of the valleys of *Tarija* and *Rosario*, descends to the western margin of the *Llanos de Manso*, along which it moves past the territories of *Jujuy* and *Salta*; then, turning to the eastward, it crosses those great plains, and enters the Paraguay about fifty miles above the mouth of the Parana, travelling a distance from the town of *Tarija* of more than seven hundred miles; and, about midway of its course, receives the Rio *Jujuy*, after it has pursued a route of about two hundred miles in length from the city of *Jujuy*. In the year 1790, Colonel *Cornejo*, in a boat of several tons burden, did actually ascend the Rio *Vermejo* as far as the town of *Tarija*, without meeting any material obstructions from cataracts or ripples. The river *Suipacha*, after receiving the waters of the *St. Juan* from the

salt pampas at the foot of the principal *Cordillera* of the Andes to the north, and those of the Rio del Oro, which are precipitated from the same lofty eminences, to the south, in the province of *Chicas*, and passing the crags, and wilds, and fertile valleys which it meets in a course of three hundred miles, finds itself associated with the branch called the *Pilcomayo* or *Paspayo*, which has traversed a similar country for a distance of three hundred miles from the foot of the mountain of the famed silver mine of *Potosi*; thence, moving on their joint waters, they meet with the Rio *Chachimayo*, after it has descended from the mountains of *Charcas*, and passed the city of *La Plata* or *Chuquisaca*, at one hundred and fifty miles above; with which river they unite to form the *Pilcomayo*, properly so called, near the eastern end of the fertile valley of *Ingre*, in which the warlike *Chiriguanes* Indians have twenty-six villages; from which the *Pilcomayo*, entering directly into the *Llanos de Manso*, and crossing them in a southeasterly direction, passing great numbers of the habitations of the savages who dwell in those plains, pours its waters into the Paraguay by two mouths forty miles below the city of *Assumption*. How far this river is practicable for boats of any size, I have not been able to learn; but I am induced to believe, from the description of the plains through which it passes, that it must be navigable a great part of the way.

These are the principal paths and channels by land and water; and this is the manner in which the greater part of the productions of this extensive Union are transported from one province to another, or by which those suited for a foreign market find their way to the city of *Buenos Ayres*; for the new Government allows of no other port, either for exportation or importation. One of the consequences of independence and union to our country was, that its commerce, as well internal as external, almost immediately left many of its former colonial courses, and sought others; directing itself to points and along ways adapted to the natural advantages of the country and the best interest of the people. Hence, the decline of some of our colonial towns, and the very rapid growth of some of our cities. A similar consequence, to a much greater extent, might have been expected to have arisen from the revolution of the Spanish colonies on the river *Plata*; but none such has yet taken place. On the contrary, those noble rivers which nature seems to have poured through their country as immense conveniences, advantages, and benefits, have been to them the waters of bitterness and discord. An attempt was made to export and import from and to *Santa Fe*, which was so great an advantage to all the country west and north of it that much traffic began to flow that way. *Buenos Ayres* forbade it; and this is one of the grounds of the controversy between *Santa Fe* and *Buenos Ayres*. The people of the Union are contending for independence, that they may, among their other rights and liberties, establish the freedom of commerce, so that its courses may be directed solely

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and exclusively by convenience, profit, and advantage. If commerce be dragged away from courses so chosen, it is a monopoly; and, although it may not, in some respects, be as pernicious as that of Cadiz, it is a monopoly. One of the consequences of the present strife to Buenos Ayres is, that it can procure not a single stick of that necessary article, timber, with which the banks of the rivers beyond the La Plata abound; but is supplied from Cordova by its carts, or timber is brought from Brazil, or the United States; in which cases, it is admitted free of duty, and is said to yield a good profit, such are the present high prices of timber in this new country.

The aggregate amount of the imports of Buenos Ayres, within the last two or three years, has been estimated at about eight millions per annum; of this amount, about one-half consists of British manufactures, and productions of one kind or other; and the rest is made up principally of French, German, and India goods of various descriptions and a small proportion of the manufactures and productions of the United States. The principal of our commodities which found their way to advantage to Buenos Ayres, seem to be cordage, pitch, tar, salt fish, furniture, Windsor and rush-bottom chairs, rice, butter, spermaceti candles, porter, ale, cider, gin, peach brandy, writing paper, plank, and some other articles that I may have omitted. But latterly our trade thither has been very limited, and has consisted rather in carrying the goods of European and Indian continents for the purpose of procuring the few articles we want from them, than its being a market for our productions of any sort.

The exports of Buenos Ayres for some years past have been, it is said, on the decline. During the last year, they have been thus estimated; it has exported one million of hides of all descriptions, which, valued on an average at three dollars each, makes three millions of dollars; it is computed to have made up three millions more, of the following articles: tallow, horns, horse hair, jerked beef, copper, tin, lead, chinchilla skins, nutria, lion, tiger, wild dog, seal, swan, viscacha, and sheep skins; sheep, vecuna, and guanaca wool, and feathers, with some few others of less value, or that are produced in smaller quantities. And the balance, consisting of two millions, it is said, has been made up by specie derived from the mines of the high provinces, and from Chili, in return for the foreign manufactures sent thither by the way of Mendoza, and in payment for its matte, and by various other ways and means.

The Spanish settlers in America have everywhere discovered a disposition to group themselves together in towns and cities. It is rare to meet a country gentleman resident on his estate, or to find a wealthy land owner, who has not a house in the city, which is his usual place of abode; from which his chacaras and estancias, that is, his grain and grazing farms, committed to the care of peasants or slaves, are occasionally visited. The reason of this mode of life, it is said,

arises from the inertia of the Spanish habits. The owner commits the care of his estates to his slaves, or makes them grazing farms, which require little attention, that he may lounge away his time in a city, with every convenience about him, and enjoy those long intervals of repose of which a Spaniard is so fond. But the modern Egyptian and the modern Greek, whose countries were once the busy hives of industry, and the lands of enterprise and science, are as inert and as fond of repose as the modern Spaniard; may we not, then, suppose the cause of this love of repose to have been the same in all?—the hebetating political and ecclesiastical institutions, whose impressions have been with fire and sword, and fagot, cut and branded upon them all? But, whatever may have been the cause, such is the fact, that the more wealthy, intelligent, and better sort of people are universally found in the cities and the towns. The best and fairest sample of the population of the Union, it is said, is to be found in the city of Buenos Ayres; and there are some circumstances which render the assertion not improbable. That city, almost ever since its foundation, has been a seat of Government, and the emporium of all the foreign commerce of the country; the people have had much intercourse with foreign nations; and, of late years particularly, they have had the means of information poured in upon them; and they have, from every account, profited by it very much. They are, in general, very intelligent, and very unanimous in their determination to support their independence, and to establish their freedom. The lower classes have materially benefited by the change, and they are perfectly sensible of the happy results. With very few shades of difference, however, the population of the great cities and principal towns of Buenos Ayres, Montevideo, Mendoza, Santa Fe, Cordova, Salta, Tucuman, Jujuy, Corrientes, Assumpcion, Potosi, Chiquisaca, &c., are all alike as to intelligence and general information. In the cities are found the great body of the leading and influential citizens of the Union, and their numbers are by no means inconsiderable, who have given an impulse to public opinion, and have kept, and will keep, the ball of the revolution in motion until the great end be accomplished of independence and substantial freedom.

The herdsmen or peasantry of the pampas plains form a very considerable proportion of the population of the country. Thinly strewed over the great pastures, those residing at a distance from the cities have, most commonly, each one the charge of an estancia, many leagues in extent. They have little society, are totally illiterate, lead an indolent life, and dwell on an immense waste, in continual solitude. Their habitations are constructed in the simplest form; in general, they consist of low mud walls, thatched with the long grass of the plains, tied on a layer of reeds, with raw hide thongs, or stuck on with mud. In the pampas a few peach trees stand round about; but the embudo, one single one, and no more, seems to be the herdsmen's favorite

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shade, and designation of his dwelling. The bedding and clothing of the family, and the whole household furniture, exhibit a scene of laziness and dirt, yet mingled with apparent cheerfulness, great kindness, much natural intelligence, and an evident independence of character.

From infancy the herdsman is taught to ride, and there are, perhaps, no more expert horsemen in the world; much riding is required by his situation and mode of life; and to ride well is his pleasure and his pride. Either from the custom of his Spanish ancestors, or from its real and constant utility, the herdsman is never without a long butcher's knife, worn about his waist. His cloak is that gray, party-colored covering, formerly used by the natives, which seems to have been universally adapted to his taste and convenience. The Indians and the herdsmen's cloak, or poncho, as it is called, is a square piece of cloth, something larger than a Dutch blanket, with a slit in the middle, through which the head is put, leaving it to hang down all around. This poncho is his bed at night, and by day his cloak, a belt, a saddle cover, or a bag, as fancy or necessity may require. It would seem as if similar circumstances everywhere made similar suggestions. Within that region of the globe designated as Central Asia, there are immense steppes or plains not materially different from those traversed by the La Plata and its rivers. And it is said the Asiatic herdsman of those plains, like him of America, has, from the most remote ages, always used as a utensil, or weapon, the lazo, or running noose, either to manage his herd, or to attack his foe. The lazo is a cord or thong, made of strong, well-prepared hide, about thirty yards long, with an iron ring, or a loop at one end, through which a running noose or lazo may be made in an instant; the other end is fastened to the cincho or board surcingle, which secures the saddle. The lazo, hung in a coil to the hinder part of the saddle, is thus ready for use. So soon as it is thrown and takes effect, the horse, as he has been taught, stands firm or moves off with what has been caught. The lazo is thrown by a herdsman with unerring aim, either on foot, or on horseback, or at full speed, at a fleeing animal or retreating foe. The herdsman of the plains is usually provided with another instrument similar in its use to the lazo. The bola is an instrument made with three cords of about three feet each from the knot which unites them in the middle; to the end of each of which is fastened a ball of about two pounds weight. The bola, with a few twirls over the head, is thrown like a stone from a sling; and, entangling about the legs of the animal at which it is directed, instantly prostrates it at the mercy of the pursuer. And, whether thrown standing or at full speed, the herdsman's bola seldom flies in vain. This instrument, like the lazo, is usually slung to the hinder part of the saddle. Mounted, and thus equipped, the herdsman is ready for a journey of a thousand miles, the protection or the seizing of his herd, or for the defence of his country.

The European armies that have been landed

on the shores of the river Plata have found the lazo and the bola to be weapons of war of a new, surprising, and singular cast. Their outposts often silently disappeared, they knew not how; a dragoon, when at a sufficient distance, apparently, to be out of danger from his enemy, would have his horse suddenly thrown from under him, or in an instant he himself would be snatched from his seat and dragged to death. The European forces saw the plains covered with cattle; but none of the wild herd could be taken; their chase and fire frightened them beyond their reach. The nakedness of the country was thus perceived to be its chief fastness, and security to its inhabitants and their herds against foreign invaders. The wars that have been waged in that country, particularly on the Banda Oriental, have made the herdsmen of those plains as expert in the use of a gun on horseback, as of a lazo or the bola, all of which they now carry in their warlike excursions; and they may be considered as the most formidable guerrilla or partisan soldiery that ever existed. In courage they are inferior to none; and the exploits that are related of their adroit and rapid horsemanship exceed what has been told of the Parthian, the Scythian, or the Cossack of the Don. Such are the herdsmen of the pampas and plains, who are usually called gauchos; an epithet, like that of yankee, originally cast on them in derision, but one which has now ripened into a distinctive and common appellation that is no longer offensive. The most active and efficient portion of the Buenos Ayrean army of Peru, under Belgrano, is the guerrilla party of gauchos commanded by Colonel Guemes.

The peasantry of the high provinces are, a great majority of them, agriculturists, with the addition of the laborers in the mines. This class of the population of the Union is not materially dissimilar from the like class as it is described to exist under all arbitrary Governments. They are wholly illiterate, are superstitious and indolent; but, from the thinness of the population and abundance of the necessaries of life, this class has not been so pressed upon, and is therefore not so sordid and boorish as in some other countries; they are cheerful, docile, active, and extremely susceptible, and desirous of improvement.

Of those three classes of population it must be observed that each has evidently been mingled and discolored with Indian blood. The city class least of any; but the gauchos are a third or a half of Indian descent; and the husbandmen of some of the cultivated valleys of the high provinces have the appearance of being little else than the civilized descendants of the aborigines.

There were at the commencement of the revolution a considerable number of slaves in the Union, of the Indian or African race. But slavery has been abolished. The negroes have, generally, been transferred from domestic slavery to the ranks of the army, into which about four thousand have been enlisted; the half of which were sent to Chili, where their numbers have been reduced nearly half. Some were sent to carry on the war against Artigas, and have been much cut

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up; and the residue are quartered in the city of Buenos Ayres, where they are believed to make good soldiers. They are used as guards about the directoral palace, the hall of Congress, and the city.

The people of Paraguay have traits of character differing alike from the citizen, the gaucho, and the husbandman of the high provinces. The district of Paraguay was taken into the possession of the Spaniards from the natives, at as early period, almost, as any portion of the viceroyalty; it has a greater population, in proportion to its extent of territory, than most of the other provinces. Paraguay long had the peculiar care of the Jesuits, and has had all the benefits of their spiritual instructions. It is at once a fair sample of their skill at civilization, and of the effects of their system, the fundamental maxim of which was to exclude all strangers. The present race of Paraguayans are said to be a mixture of the European Spaniards and natives with perhaps more than half Indian. They are remarkably peaceful, and taciturn in their temper and deportment. They are more industrious than the people of the other provinces, prodigiously attached to their country, or rather the place of their nativity, yield a passive obedience to the powers that be, and are much averse to strangers, to changes and new modes of every sort. They are excessively clanish; when they have heretofore visited Buenos Ayres, for the purpose of trade, it has been always remarked that, wherever the leader of the squad dealt, there all would deal and nowhere else. It is rare to meet a Paraguay who cannot read and write, and who does not understand the rudiments of arithmetic. Yet they make no other use of this precious acquisition than to read some few homilies, and to make notes and keep accounts of their little dealings. They never apply it to the acquisition of any useful knowledge whatever. Their literature is merely elementary, and made less use of than the hieroglyphics of their progenitors of Peru. Their stern religion or more rigid habits seem to forbid them to stray from the precepts inculcated in their youth, with so alluring, so wanton, and so erratic a guide as modern philosophy; lest a perverse doubt, like an artful and suspected stranger, should seduce them from the good old ways of their ancestors. The Paraguayans are generally healthy, robust men, very abstemious and sober; the great body of them are agriculturists; and their delightful country, alike suited to the growth of the productions of the temperate and torrid zones, supplies them with every necessary, and a variety of the luxuries of life. They manufacture much within themselves, get scarcely anything from abroad, and have little intercourse with the rest of the world. It is a question which future experience must solve, whether the gay and docile, but illiterate husbandman of the Andes, or the Paraguay agriculturist, with his smattering of letters and his Jesuit habits, shall rise most rapidly from the obscurity of his colonial condition, and profit most by the revolutionary changes now in progress.

This country and these people, whose extent, situation, and character I have endeavored clearly, concisely, and fairly, to delineate, were governed by the Spanish power with the coarse machine of monarchy, and according to its few and simple principles. The first magistrate of Buenos Ayres was the viceroy, who was appointed by the King of Spain; and this viceroy governed all, overruled all, and commanded all, civil and military, but the King his master. The members of the supreme tribunal of justice, called the royal audience, were also appointed by the King. And all the other officers of the Government were appointed by the viceroy or the King, or sold by him, responsible to him alone, and removable only at his pleasure.

Whenever the population of a district of country increased to such a number as to require it, or it was otherwise thought worthy of the honor, it was laid off into what was called a province, or jurisdiction, and a Governor appointed over it; and if the population was increased and condensed into a town, or its inhabitants had influence with the viceroy, or the viceroy thought a spot suitable for a town, it was laid out as such, and declared to be a city; and a tribunal called a Cabildo was organized for the regulation of its police, and the administration of justice within it, and a certain district round. This ayuntamiento, Cabildo, or corporation, was composed of from six to twelve members, called regidores, according to the size of the city. The Governor of the province was, ex officio, President of the Cabildo, with power to control or overrule its ordinances or decisions, in like manner as the viceroy could those of the royal audience, whenever he chose to take his seat, and act as president. The office of regidor, like most others in the Spanish Government, was venal; the price paid for it in Chili was about five hundred dollars; and I have reason to believe that in Buenos Ayres it was valued at about the same; it was held for life. Besides those to be had in the market, there were generally four other regidores, residents of the city, who were appointed by the viceroy. The alguacils, or sheriffs, and bailiffs of this tribunal were venal, bought and sold at a given price, like any other merchantable commodity of the Spanish dominions. It is of these jurisdictions the present provinces of the Union have been constituted; and the Cabildos, thus organized, and which were continued by traffic, and the Chief Magistrate of the Union, for the time being, until the present form of government was adopted, are the sources, with little variation, whence sprang the existing Congress.

Besides these, there were appointed in districts too extensive for justice to be conveniently administered by the Governor or the Cabildo, village or country alcaldes, or territorial justices. The jurisdiction of these officers, however, extended only to petty matters, or the apprehension of offenders; they were a sort of justices of the peace. In addition to these, there was, in the cities of Buenos Ayres and Montevideo, a tribunal called the consulado, invested with jurisdiction in commercial affairs only, from which there might be an appeal

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to the viceroy. These were the civil tribunals, into which the colonist entered, with his purse in one hand and his documents in the other, to seek protection and right, and to obtain redress against the wrongdoer.

The right of patronage to all ecclesiastical benefices belonged exclusively to the King; but it is said there are a few unimportant livings in Buenos Ayres in the gift of individuals. All ecclesiastical affairs were cognizable only before the spiritual courts, of which each bishop had one, composed of the bishop himself, the fiscal, proctor, or lawyer, and the provisor. These tribunals also were subject to the control of the viceroy.

But there was one tribunal which bore sway over all, and that was the tribunal of the holy inquisition, which had the power to fine, confiscate, imprison, hang, or burn, for the offence of which the accused was convicted by it. The two viceroyalties of Buenos Ayres and Chili were subject to the holy inquisition of Lima, which tribunal appointed its commissioners in those two viceroyalties, who furnished it with information, had its process executed, and the accused sent forward for examination, trial, and suffering.

There was no tribunal, or any officer of any description whatever, emanating from the people, or appointed by them, or responsible to them, either directly or indirectly, in any manner. There was not, in the whole country, one single popular meeting allowed of, except at church for worship; or any such thing known as a legal and standing congregation of men, gathered from the people for any purpose whatever. Of all the various formal and informal means of which the people of our country have, at different times, availed themselves, to make an expression of their collected and united voices, not one of them, or anything of the sort, ever appears to have been known in Buenos Ayres before the revolution. The people of that country appeared to have been governed with so total a disregard to their will, or with so watchful a determination that their voice should not be heard in any way, that they seemed to be strangers to the methods by which it may be collected and expressed to advantage, or not to have estimated them as they ought. The viceroy, with a suitable number of military coadjutors and underlings, took charge of the person and property, and the holy inquisition, by its commissioners, had the curacy of the mind of the humble colonist; which independent, irresponsible, and holy officers of the royal power, could only be rendered merciful, or flexible, or just, by the secret but potent operations of tangible gold. The sword of the military and fagot of the church thus executed the will of the Monarch; no one dared resist; complaint was never heard; the colonist submitted in silence, and suffered, and groaned inwardly.

The Spanish colonial Government of Buenos Ayres was of a character calculated to blight every hope of freedom, and make men passive and calm. Hence, the people of those provinces

did not begin their revolution in opposition to the oppressions of the mother country. They were not excited, like those of the United States, first to make head against the arbitrary attempts of the parent State, to claim their privileges, to declare their independence and to resume a Government which had been abused by their transatlantic rulers. It was not until, by the great agitations of Europe, the gripe of the colonial power was loosened; until after the hand of the Monarch had been by those struggles, for a time, taken off, that the colonists began to think and feel as men; not until after the people on the shores of the La Plata had been visited by a portion of the wars, and the blaze of those political conflicts of Europe, that they were aroused, and excited to seek, and to endeavor to obtain and defend their own long lost rights.

The British Government, for a long time past, appear to have had a very strong disposition to obtain a station or plant a colony on the shores of the La Plata. So early as the year 1740, the project was proposed, and the subject discussed. At the peace of Paris, in 1763, the subject was renewed, and the value of such an acquisition much urged. In the latter end of the year 1805, the expedition under Sir Home Popham made a formal attack, with a view to obtain possession of Buenos Ayres, but was driven back. And the disgraceful and unfortunate expedition under General Whitelocke, in the year 1807, appears to have quieted British notions of adding to their transmarine possessions in that quarter. At present, the British are pursuing with avidity a free, peaceful, and lucrative commerce, where, by their repeated wishes and attacks, they have failed in establishing conquest and monopoly. These attacks of the English gave the first shock to the colonial establishments of Buenos Ayres.

In the month of July, in the year 1807, a French Government vessel arrived in the river Plata, with the intelligence that the old dynasty of the mother country had been pushed from the throne. and Joseph Bonaparte declared King in the place of a Bourbon. Liniers, the then viceroy of Buenos Ayres wished to recognise the new King, and induce the people to acquiesce in the change. This, notwithstanding all their sufferings under the Bourbon line, they refused to do, drove Liniers from power, and declared their adhesion to the old dynasty, and to what they conceived to be the cause of their country. In this state of things, Cisneros came out from Spain, commissioned by the Junta of Cadiz as viceroy, and resumed the reins of Government. Thus the old order of things, after having received a rude shock from the English, was thrown entirely into confusion. The British and other foreign traders, finding the old opposition removed or paralyzed, poured into the country; and the people, during these agitations and changes, began to perceive and to feel that a free commerce brought with it considerable advantages; that there were many abuses to reform; and that there was in fact no power in Spain which could be said to represent the Bourbon King, to whom they still were de-

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terminated to adhere, notwithstanding all they had experienced and suffered.

In consequence of these agitations, to advise for the best, and restore harmony, a Junta was convened in Buenos Ayres, composed of some of the principal persons of that city, and their Cabildo. And on the 25th May, 1810, this Junta determined to take the Government into their own hands until a Junta could be called and convened composed of representatives from the other provinces, into whose hands it should then be committed, until Spain should so far recover from its misfortunes as to be able to do justice to itself, and to redress the evils in the administrations of its colonies. Accordingly, Cisneros was stripped of all power, and permitted to depart in peace for Europe. This day is called the commencement of the revolution, and it is now noted among the *fiestas civicas* of the country, as the day on which "the people of the United Provinces of the Rio de la Plata were, by a singular providence, delivered from the slavery which the Americans had suffered for three hundred years"—as the day "the political regeneration of those provinces, by the free use of the rights of man, of which they had been despotically deprived by the Spaniards since the conquest of both Americas." There was still a hope or an expectation, however, that harmony and a union of some sort might some day be restored between them and the mother country, compatible with their freedom and self-government; which freedom, from that day, it became the wish and determination of all good men to endeavor to obtain.

With this resolution to establish a free government of their own, if possible, constantly present, and operating on the minds of a great and increasing majority of the people, the cause has been pushed forward with improving experience and brightening lights, amidst intrigues, and factions, and superstition, and angry passions, from a beginning where even rudiments were to be collected along a curious, crooked, and wavering line, to the present point, at which the people have finally resolved on independence, and totally renounced all prospect of returning to their allegiance to Spain. This declaration of independence was made by the Congress at Tucuman, on the 9th day of July, in the year 1816; and in the *fiestas civicas* of the country it stands noted as the declaration of their absolute independence, "*De la declaracion de nuestra absoluta independencia.*" At this point the people now are where they seem to be much more disposed calmly to investigate, to learn, and impartially to decide, than their present rulers are willing to indulge the freedom of their speculations. I shall barely sketch out the path of this revolution from point to point so far, leaving the causes by which it has been impelled, and the obstacles by which it has been checked, to be more fully collected and understood from the history of the times, except so much as may be immediately necessary for the elucidation of the present state of things.

After Cisneros was displaced from the Vice-

royalty, in the year 1810, and compelled, with some of his adherents, natives of Spain, to embark for Europe, a Junta of seven was formed, and a General Congress was called. The Cabildos of the provinces, favorable to the cause of self-government, appointed deputies, who assembled in Buenos Ayres in the month of March of the following year; and, after a deal of altercation, were admitted as members of the Junta Provisional, of whom the historian Dean Funes, from Cordova, was one. A person named Saavedra, by intriguing with the sturdy and free-spirited gauchos of the pampas of Buenos Ayres, obtained their countenance and aid, by which means, on the 6th of April of the same year, he effected a change in the organization of the ruling power, and another set of men were placed at the helm; which change is distinguished by the name of Saavedra's revolution. On the 9th of October following, this ruling party was suppressed, many of its members imprisoned or banished, and a new one formed and placed at the head of affairs, called the triumvirate. The first triumvirs were Chicklana, Dr. Pasos, and Saratea, with Rividavia as secretary, all of Buenos Ayres. This triumvirate gave a new impulse to political movements, and caused great changes in the opinions of the people: "instead of following the public opinion for the independence and liberty of the people, it took the opinion of parties who sought to govern according to the interest of each faction." Hence jealousies, suspicions, fears, and rivalships, were then sown, which have continued to rankle and grow from that to this time, and are not likely soon to be eradicated. One of them, Saratea, was sent to take the command of the patriot army at Montevideo, in the Banda Oriental, and had not been there long before he and José Artigas, who now commands that portion of the gaucho population, quarrelled. Artigas, being apprized in time of an attempt that was to be made on his person, fled to the plains, was soon followed by all the Orientals, and has been at war with Buenos Ayres, except at short intervals, ever since. Rividavia filled the seat of Saratea from the 10th of March, 1812, or thereabouts, until the 25th of May, when Pueyrredon, the present Director, arrived from the army in the high provinces as his successor, and Rividavia resumed his station as secretary until the month of July following, when, owing to some misunderstanding among the rival chiefs, Chicklana was expelled with disgrace, and Rividavia reinstated as a triumvir. This Rividavia is said to be a man of talents. He is now in France; and his object in visiting Europe is said to have been to ascertain the feelings of the monarchs of the old world toward the provinces of the new, which were struggling for independence; to see if the combined potentates could be propitiated, by concessions or otherwise, to mercy and forbearance; whether the angry principles by which they had been united would induce them to make an effort of their strength on this side of the Atlantic against the rising principles of reform; or whether they would be governed and divided by

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a rational view of their interests as regards the regions of the new world.

On the 9th of October of the same year (1812) the Moreno faction overturned the triumvirate, and seized on the reins of Government. The Doctor Moreno who headed this faction was a man of a very fine and highly cultivated understanding. He died soon after, on his passage to England. The chiefs of this party were Larea, Lastelle, Pena, Asquinaga, Vieytes, and Posados, who effected the revolution by the assistance of José San Martín, now the commander-in-chief of the united army of the Andes in Chili; and Charles Alvear, who was then the colonel, and lieutenant-colonel of a regiment of cavalry stationed in Buenos Ayres. Major Zapiola and Captain Igarasabel, of this regiment, being ordered by its commander to seize or destroy Pueyrredon, then a triumvir, now the Director, repaired to his house, and searched for him with naked weapons; and it is said he narrowly avoided assassination, and effected his escape in disguise, and was finally saved by remaining some time concealed. Of this party, Pena, Paso, and Jonte, were declared to be the ruling Junta, of which Pena was president. He was after some time displaced, and succeeded by Rondeau, who continued in office until the month of —, when he went to take command of the army in the Banda Oriental. On representing the inconveniences attending an executive Junta, composed of three members, to the Congress, that body formed a single executive, and Posados was elected by it as Director, in December, 1813, and continued one year in office; when Lieutenant Colonel Charles Alvear was elected by the Congress to succeed him. This Alvear was a man of a bold, unbridled temper and disposition. He had been appointed by the Congress to the army of Peru; but, being rejected by the inferior officers, was obliged to relinquish that command, and return. In Buenos Ayres he quietly entered upon the duties to which he was elected. The people however were from time to time much provoked by his highly offensive and arbitrary conduct; until at length roused past all forbearance by the barbarous murder of Uvieda, a worthy citizen, on Easter Sunday night, in prison, they flew to arms and put the city in a state of defence. The Director threatened to force his way in at the point of the bayonet, but was given to understand that his army would not obey him; and he then surrendered, under guaranty of being permitted to embark on board a British ship then lying in the roads; and with the greatest difficulty made his way, alone and unattended, past an exasperated people, who pursued him to the boat on the shore which the British commander sent to receive him. This man is now in Rio Janeiro, where he has taken refuge.

A Junta of the people of the city of Buenos Ayres was then summoned by sound of the Cabildo bell; which town meeting or junta, after some warm debates, elected as Director Colonel Ignacio Alvear, acting commander-in-chief of the troops, who had been faithful to the people, in opposition to Alvear; and about the same time

the Congress passed an act, called the Statute Provincial, by which various restrictions were laid down to prevent abuses in the exercise of the directorial authority. The clamors of the people against Alvear—charging him with arbitrary proceedings, mismanagement, and speculation in office—caused him to resign his power on the day of the expiration of the term for which he was elected; and in April, 1815, Antonio Balcarce, now brigadier general in the united army of the Andes in Chili, was elected, and after continuing in office about three months, was forced from his post by intrigue and faction. An executive or government of three was then again formed, composed of Francisco Escalada, Irregogen, and —.

During all these various changes and revolutions there has existed a body called the representatives or deputies from the several provinces. The members of this assemblage were chosen or appointed by the Cabildos of the principal cities which had joined in the revolution; and it is said that there were instances and times when they were chosen by something like a popular election; the traces of such elections are, however, very faint and obscure, such as perhaps would not be deemed popular by the people of the United States, where the substance and outline of such elections are distinctly recollected by the very boys of the country. It does not appear that the members of this representative body were elected for any given time, or that the Cabildos, by whom they were chosen, were at all jealous of their length of service. Some of them have been members several years, some are newly elected, and others represent provinces in the possession of the enemy, who, therefore, can neither be rejected, recalled, nor re-elected by the provinces they represent. Nor does it appear that they were tenacious of the numbers sent from each province, or that they have been always the same. Buenos Ayres had only four, Mendoza two, and San Juan had two members in the Congress which met at Tucuman in 1816. Now, Buenos Ayres has seven members, and Mendoza and St. Juan only one member each; and yet the members vote in Congress numerically, and not by provinces. Nor does it appear that any stipulated, personal, or local qualification has been required. About half the body are priests; and the citizens of Buenos Ayres seem to be deemed eligible and suitable to represent any province; in consequence of which, the church and that city have always had their full influence. The body, it would seem, had changed its name almost as often as its component numbers and individuals; at first, it was called the Junta; then the Junta Provisional; then the National Constituent Assembly; and now it is styled the Sovereign Congress. Its deliberations appear to be conducted with religious solemnity and much debate; the yeas and nays are most generally recorded; yet the body is guarded by soldiery, usually negroes, deemed perfectly trustworthy; and there is neither frequent elections, nor a free press to call them to an account. Of

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all the passions and gales of the revolution, whose violence has broken in so many directions, this body has been struck by none. It seems to have glided on, preserving the even tenor of its way, and to have happily retained the buoyancy of its nature amidst every angry burst and threatening squall. Fortunately for itself, this august body has never undertaken to call any State delinquent to account, nor in any instance run counter to the will of the Chief Magistrate for the time being. If the Congresses of Venezuela, Mexico, and Chili, by a factious, headstrong disposition, (as has been solemnly said,) have repeatedly lost those countries to the patriot cause, no such restiveness of temper can be imputed to the Congress of Buenos Ayres; on the contrary, it has, at times, so highly respected the opinions of the people as to yield a little to a gaucho intrigue, or a town meeting, convened by the sound of a *Cabildo* bell.

Some of the acts of Congress have, however, been of vital importance to the best interests of the cause and the union. On the 9th of July, 1816, it made and promulgated a declaration of absolute independence. And thus it cast the die. The minds of the people were thus brought solemnly up, and finally fixed at that great point about which there had previously been some wavering: and in December, 1817, its ordinance, called the *reglamento provisorio*, was ratified, establishing a temporary Government for the Union, in which is defined the forms of two popular elections; one of which, that of electing *Cabildos*, has since, with great ease and success, been reduced to actual practice. The form of electing members of Congress is also prescribed; but no time of election or term of service being specified, there has been no use made of the terms laid down. There have been two popular elections of *Cabildos* in Buenos Ayres; the first was made in 1816, when only about five hundred votes were taken: but when the same election came round, and was made, according to the provisions of the *reglamento provisorio*, in the year following, there were as many as three thousand five hundred votes given for the same officers. This is the first form of a popular election ever offered to the people of Spanish America; and although confined to mere police, or corporation offices, it is of great importance in its direct and indirect consequences. It is a beginning which must draw after it more valuable and efficient elections, and the whole representative system. And the great increase of votes is a proof of the readiness with which the nature and uses of the rights of franchise can be understood and adopted by any people.

The Congress which, on the 24th March, 1816, had assembled in the city of Tucuman, elected Juan Martin Pueyrredon Supreme Director of the State; after which it made the solemn declaration of absolute independence, and then founded the present temporary Government called the *reglamento provisorio*, (annexed and marked as exhibit G;) and Pueyrredon has continued in office as Supreme Director from that time to this.

By the sixth article of the first chapter of the third section of this provisional Government, it is declared that the person filling the station of Supreme Director shall continue in office until a constitution is formed, unless sooner displaced by Congress. The only check upon this loose and indefinite grant of executive power and influence to control Congress and postpone the formation of a constitution is that of a *residencia* designated in the ninth article of the last chapter. As this mode of responsibility by a *residencia* is an adoption of that by which it was intended under the colonial system, a governor or viceroy might be called to an account; and as it is wholly unlike any of the forms by which the responsibility of a public agent is secured by any of our political institutions, it may be well cursorily to describe it. According to the Spanish laws of the Indies, when a viceroy or governor was removed from office, the King appointed an agent or commissioner, most commonly a lawyer of the country, to receive the *residencia* of the displaced officer. Such commissioner accordingly repaired to the capital, and announced, in the most public manner, the time and place when and where he would be prepared to hear and determine on any complaint that might be made against the late officer, by any person, of whatever order or class, as well Indians as others. This scrutiny could only continue in the case of a governor for sixty days, and of a viceroy only six months, after the date of the proclamation of its commencement; and no cause of complaint, however grievous, could be heard or inquired into, which was not made known by the commissioner of the *residencia* within the appointed time. This sort of impeachment of an officer, after the extinction of his functions, is not unlike the sage old Egyptian process of bringing the dead to justice. It may accord with Spanish colonial notions of calling a public functionary to account, but I should suppose it would be deemed widely different from what we should call republican responsibility.

Before the revolution there was a printing press in Buenos Ayres, whence issued a weekly newspaper, merely for the purpose of printing and publishing sundry papers and documents for the convenience of the viceroy, and under his sanction entirely. The profits of this press (for it yielded some) were given to an institution in the city of Buenos Ayres called the *Ninos Expositos* or Foundling Hospital. Hence the press obtained that name. This press is still continued, and the ministerial paper called the *Buenos Ayres Gazette*, issues from it weekly. There are in all three printing presses in Buenos Ayres, and from one or the other of them there are published four newspapers weekly. Besides these, there is a small weekly newspaper printed in Tucuman. From the second chapter of the seventh section of the *reglamento provisorio*, one would be induced to infer that there existed something like a freedom of the press; but nothing would be more fallacious than such an inference. The press has never been tolerated with a single day of genuine

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and manly freedom in Buenos Ayres. Nothing is published but what is flattering to the powers that be, nor is anything inserted in the papers from abroad, without being curtailed or remodeled to suit the taste of the ruling party. A few attempts have been made to discuss political subjects with severity, and to censure the political conduct of some men; the consequence of which has been, that, without ceremony, the parties have been instantly banished or imprisoned. The press of Buenos Ayres is a servile instrument, which neither has nor merits any respect or influence whatever. Public opinion receives its direction and gives its impulse, not through that prostituted instrument of much good, but from books and papers read in the closet, and from verbal conversation and private discussion; and in that manner it has acted so efficiently as to turn a chief magistrate from his fort, or to chase a wicked Director into exile, at the very moment when this cowardly or crippled sentinel was going the rounds, and crying out all was well.

Laying aside the abstract principles contained in the reglamento proviso, which speak for themselves, and the value of which depends on the accuracy with which they are expressed, the currency with which they are received, and the facility with which they can be applied and enforced, it appears that the Spanish code of laws, so far as it is compatible with the changes that have been made, has been adopted. This code, I take it for granted, like that of all others of the civilized nations of Europe, which has been gradually formed from that of ancient Rome, is, in the main, and in a moral point of view, a rational and excellent system. But, as to all the modes and forms of administration which give to a code the pure practical operation which its principles breathe, and which are generally understood to constitute the leading, if not sole distinctions between free and arbitrary institutions, the reglamento provisorio presents us with a beggarly account of provisions, with large exceptions, which do so allay the good precedent, and articles so pared away that there is left no bold promontory in all its coasts, behind which the storm-chased innocent skiff can take shelter from any of the gales of power. Except the case of the elections of the Cabildos, the whole is, substantially, a mere reorganization of the colonial Viceroyalty. It is regarded as such in practice, and, therefore, has obtained little or none of the real respect and confidence of the people.

But the sentiments and wishes of the people, as in all similar circumstances, have had considerable sway over this newly-created Government. There is a point beyond which it dares not go; and a limit, as the numerous changes that have taken place clearly show, beyond which the forbearance of the people cannot be stretched. As the revolution has progressed, more information has been obtained; the people begin to have a correct knowledge of their rights; they are becoming more watchful, and their rulers more respectful. And, as the bounds of information are extended, the field of discussion enlarges, and the

political horizon gradually clears and expands in all directions. The past changes and struggles would seem, at first view, to have been a fruitless waste of time and labor: it has not been so; the people have been instructed and improved by them. Public opinion, the pioneer and precursor of all revolutions and beneficial institutions, has been ripening, and the crisis is rapidly approaching when another and a firmer step will be taken, assisted by the newly-acquired light and helps. More of the old system will be removed, and such institutions will be introduced as will furnish some practical evidence at home of the benefits of civil and political freedom, and the work of the revolution will approach its consummation. This crisis will be considerably accelerated by the present state of the provinces, their murmurings and civil wars; to pacify which, and for their own welfare and safety, it has obviously become necessary to make an entire change, and to introduce a new order of things. The voice of the people must and will be heard.

On inquiring for the causes of these unfortunate differences and hostilities among the several patriot causes, and after removing from about them all that mere vituperation and angry invective with which they have been too much mingled and confused, they will be found to be of vital importance; to have for their object principles materially affecting the good of the people, and to have originated in very rational views as to a frame of government best suited to their country, and which was most likely to promote and secure its general as well as its particular interests. The people of this part of Spanish America have, from the commencement of their struggles, looked towards the example and the precepts of the United States in the management of their revolution and the organization of their political institutions.

Without, in general, entering into any profound arguments or deep speculations, for which, from their previous education and habits, they were utterly unprepared, they took a view of their own situation *en masse*; they saw themselves, by the removal of the colonial institutions, almost at a single blow divested of every implement of civil government. They looked over the immense extent of their country, and saw that it had been cut up into provinces and jurisdictions, and in that manner governed. They then turned their eyes towards the United States, and saw, or thought they saw, many analogies, and a prosperity which evinced that all they beheld was worth copying. But whether these suggestions were made from such a comparative view, or from the nature of things, or from whatever other cause, the idea and utility of separate State governments in each province, like those of the United States, with magistrates selected by its own people from among themselves, became very general, and was warmly embraced by a great portion of the patriots. This party, however, in favor of the system of confederation and representation, whatever might be its numerical strength or the force of its reasonings, were, as

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they now are, by much the weakest in point of actual power and operation; because they had not the means, nor have ever been allowed to exhibit any examples of their principles; and, besides, they were obliged to address themselves to a people to whom the entire field of politics was a novelty; and they had no press to give stability and currency to their arguments. In opposition to those principles and this party, there arose a faction in Buenos Ayres, who, looking attentively to the interests and the aggrandizement of that city, wished to establish a consolidated government under a Chief Magistrate invested with powers analogous to those of the late Viceroy; but somewhat bridled and controlled with a revival of the political and civil institutions of the colony, so modified as to suit the existing state of things. And the general impression of the necessity of being constantly armed and prepared to meet the hostilities of the metropolis induced the people to yield a ready obedience to their military leaders for the time being. Hence, to get the command of the army, and take possession of the fort at Buenos Ayres, has hitherto been the same thing as a complete revolution. It has at once placed in the hands of such a chief the revenues; because Buenos Ayres has been the sole point of collecting all the customs, all the forces, and the entire command of the State, the affairs of which could be wielded and managed at pleasure by such a Chief Magistrate, according to the forms of the colonial institutions. While, on the other hand, the opposing popular party which advocated State governments, and the representative system, never have as yet had any forms or means by which they could gather together and express their wishes, or even make a show of their numbers and power.

In October, 1812, while Saratea commanded in chief at Montevideo, and Artigas, before the same place, commanded the forces of the Banda Oriental, this great principle of separate State or Provincial governments, interwoven, as it very probably was, with personal and local considerations, gave rise to a heated controversy between them. Saratea, finding Artigas to be refractory, and unmanageable by temptations, threats, or persuasions, determined to have him arrested. Artigas, being apprized of this design, fled to the plains, and in a short time all the Orientals followed; in consequence of which, the further prosecution of the siege of Montevideo, at that time, was abandoned. The ruling party of Buenos Ayres, perceiving the popularity of the cause of Artigas, and his power, became extremely anxious to win him over, or at least to conciliate him.

At the request of Artigas, therefore, who then thought, or affected to believe, that this controversy with Saratea was merely personal, Saratea and some others were removed from the command of the army, and his place was filled by Rondea, and other officers put in command, whose principles, being unknown, were, therefore, not so obnoxious to the Oriental chief. But at the same time, Artigas followed up the controversy, and

tested the designs of the Government of Buenos Ayres, by demanding, in form, that the Banda Oriental should be considered and treated as a State under its own government, and, as such, should be left to regulate its own concerns for itself, and be represented in due form and proportion in a General Congress. This was treated by Buenos Ayres as an open dereliction of the standard of the country; and a most unreasonable, criminal, and declared rebellion against the only legitimate Government of the union of all the provinces, which, as it contended, extended over the whole territory that had been subject to the late Viceroyalty; of which the city of Buenos Ayres always had been, of right was then, and always ought to be, the capital, whence alone all authority should emanate. This Artigas opposed, and denounced as the assertion of a spirit of unjust and unreasonable domination on the part of Buenos Ayres, to which he could not, and would not submit. The parties were heated, reason was silenced, liberality banished, and they repaired from the field of argument to the field of battle. Artigas, either from an indisposition to push matters to the greatest extremity, from policy, or from a sense of his own inferiority in point of strength, has hitherto acted on the defensive, and confined himself within the territory of the Banda Oriental, or of the Entre Rios, since it has taken sides with his cause. It is said that, in this controversy, there have already been fought fifteen or sixteen sharp battles, in each of which conflicts Buenos Ayres has been defeated, and suffered severely. In the last, which was fought about the 1st of April last, near Santa Fe, on the north-eastern side of the Paraguay, there were of the Buenos Ayres army, which was about nineteen hundred strong, eight hundred left dead on the field of battle, and the rest dispersed, so that the whole army may be said to have been extinguished at a blow. This fatal catastrophe was heard in silent gloom at Buenos Ayres; not a syllable about it was uttered from the press, yet all seemed to lament the policy by which it had been brought about, or rendered unavoidable.

Until the year 1814 the province of Santa Fe, or the district of country called Entre Rios, had a representative in the Congress of Buenos Ayres. Since that time it has withdrawn itself from the Union, and sided with Artigas and the people of the Banda Oriental. This change and desertion of the standard of the country are charged by the Government of Buenos Ayres to the intrigues and seductive principles of Artigas; but if Artigas has been practising his arts with the people of Santa Fe, the acts of Buenos Ayres have most powerfully seconded his designs. By adverting to the situation of the population of the Union, and the various paths of internal commerce through it, by land and by water, it will be seen how very advantageously Santa Fe is situated as a port of entry and great depot for all the country to the west and north of it. As such it had opened itself; and commerce began to flow into it, when Buenos Ayres interposed, and declared that no trade should go to Santa Fe but what passed through

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the city of Buenos Ayres itself. This odious and unjust monopoly was at once revolting to the minds of the people of Entre Rios, and a proof of the correctness of the principles contended for by Artigas. They therefore abandoned Buenos Ayres, and are now the allies of Artigas.

In the year 1810 the Government of Buenos Ayres sent a force of five hundred men, under the command of General Belgrano, up to the province of Paraguay, to expel the royal authorities, and to introduce that province under the Government of the Union. But the people of Paraguay rejected the proffered Buenos Ayres auxiliaries. After some time, however, they of themselves expelled the Spanish authorities; and, refusing to submit either to a Spanish or Patriot viceroy or chief, planted in any way at Buenos Ayres, they attempted to establish a government of their own; and, from thenceforward until the present time, they have absolutely renounced and forbidden all intercourse or trade with Buenos Ayres. No active hostilities appear, however, to have been carried on as yet between these two provinces.

The Government of the people of the Banda Oriental and Entre Rios, since their alliance, has been altogether in the hands of Artigas, who rules by his will alone, like an absolute monarch, without attendant guards, or an Indian casique. No frame of constitution is exhibited; none is pretended to exist. Justice is rendered voluntarily, or is administered according to the mandate of the chief.

In Paraguay the reins of government are held by Francias, who it is said makes a show of administering all political and civil affairs in the manner, and according to the forms, of the consular Government of ancient Rome.

The two powerful provinces of Cordova and Santiago del Estero have both been in rebellion against the ruling power of Buenos Ayres, which has charged Cordova with being a very godo, or tory province, and both of them with being seduced into an unnatural desertion of the cause of liberty by the arts and intrigues of Artigas. But Cordova has lost by the revolution its very profitable mule trade, the nature of which I have described, and both have suffered heavy contributions; and all their resources have been made tributary to the Buenos Ayres monopoly, and to sustain its pre-eminence. They have both been brought back by force of arms under the Union, and are now silent and passive. In short, it cannot, nor ought it to be concealed that the ruling party of Buenos Ayres has managed the affairs of the Union in such a strain of domineering monopoly as to retard reform, delay the progress of the revolution, and to render the most patriotic provinces extremely dissatisfied. Mendoza occasionally murmurs, and San Juan is very much discontented with the present state of affairs; and the people of those two provinces, heretofore most attached to the Union, begin to speak openly, in sharp terms, of the domineering, monopolizing temper and conduct of Buenos Ayres.

Of the one million and eighty thousand souls

which the late viceroyalty of Buenos Ayres has been estimated to contain, it will be seen, by the details I have furnished, that four hundred and eighty-three thousand, including Jujuy, are all that acknowledge themselves subject to the present Government of Buenos Ayres; that the patriot provinces at war with Buenos Ayres contain a population (exclusive of Indians) of one hundred and eighty thousand souls; and that so many of the high provinces in which there have been any revolutionary movements as contain four hundred and seventeen thousand souls, are at this time and have some of them been continually under the colonial yoke. The patriot provinces of Salta and Jujuy have been the chief seat of war from the commencement of the revolution. The royal army was once in possession of Salta, which is now the headquarters of the patriot forces under Belgrano. And the patriot army was once so successful as to penetrate as far towards Lima as the city of Chayanta, in the province of Charcas; but they gave back from thence, and the Spanish army is now, it is said, in the possession of the city of Jujuy.

Such is the extent, nature, and circumstances of this new and revolutionary Union. The present bonds which hold it together are temporary in name, and more so in their nature. A final declaration of independence has been made; the people have renounced all expectation of a compromise with Spain; and the separation has been resolved on amidst such imbittering severities and cruelties, that any kind of return to their former allegiance is utterly impossible and impracticable. The expectation of reconquest is no less vain; and, to be convinced of it, it is only necessary to view the country, and reflect a few moments on its nature, and the situation and character of its inhabitants.

But what is to be the future course of this revolution, is a question more difficult to determine. One thing, however, appears clear, that unless the present civil dissensions are healed, and the warring provinces are pacified and reconciled with each other, a very great proportion, if not all, the benefits and advantages of the revolution which would accrue immediately as well to themselves as to foreign nations, will be totally destroyed, or, at least, very much diminished and delayed. The great benefit which they are continually promising themselves from it is, the introduction of the representative system of Government, with all its kindly and fostering institutions. But their military chiefs will not suffer the system to have a commencement, to be planted at all, or to have a single undisturbed day to take root. For the petty Cabildo elections are proofs of the wishes of the people and their disappointments. The chiefs (one and all) allege that, during the effervescence of a revolution, popular elections are dangerous; that submission to a strong and energetic power is necessary in such times; and under this plea of the distractions and necessities of the times, they all alike refuse to permit the people to make a single experiment of a general, genuine popular election. Artigas,

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situated as he is, driven first in one direction and then in another, on one side attacked by the Portuguese, on another by the patriots of Buenos Ayres, and watching lest in another direction an unexpected blow might reach him from Spain, has all the population of the Banda Oriental thus pressed under an unqualified submission to his will; and he is thus furnished with a plausible pretext for ruling over all as arbitrarily as an Indian casique. The rulers of Buenos Ayres talk to the people under them of the infinite dangers to be apprehended from Spain on all hands; and of the indispensable necessity of keeping up a strong army next Peru; of raising forces to invade, reconquer, and now to hold Chili; of the threats and wrongs of Portugal; of the indispensable necessity of having Artigas, and the rest of their wicked subjects, and the rebellious provinces, completely subdued; and of the great importance of preserving the capital, the city of Buenos Ayres itself, in perfect security, by the presence of a strong military force. The military chief of Paraguay finds or frames similar arguments in favor of an energetic Government; and the people have been so far baffled, and not trusted with the means of expressing their will or of exercising their power. Nothing is easier than to make a fine partisan soldier of a gaucho: those of the plains of the Banda Oriental, under Artigas, and those of Salta, under Guemes, are proofs how readily those peaceful herdsmen can be made terrible in war; they are a class of people who have a predisposition to an unrestrained, roving life. To lead them to independence, therefore, an enterprising, spirited leader was all that was necessary. And if the gauchos of the pampas shall, like those of the Banda Oriental, find a bold leader who shall inspire them with a resolution to insist on having their voice heard through their lawful representatives, the city of Buenos Ayres itself may then soon be what Montevideo now is—a place where commerce once was. The peace and commerce of Buenos Ayres have a happy and continually improving effect upon the neighboring inhabitants of the pampas. With such an example, how misguided, how cruel was the policy which converted the city of Santa Fe from a new and flourishing seat of commerce, exciting industry, diffusing information, the arts of peace, and innumerable benefits all around, into the stronghold of bands of hardy and warlike gauchos. The evils of these distractions and civil wars, as regards the fruits, productions, and resources of the country, are obvious. It is acknowledged that they have not merely prevented the increase of husbandry, but have diminished its amount; many fine chacaras or grain farms have been totally neglected or destroyed; and the stocks of cattle, which furnish the great staple commodities of all the plains, have been everywhere very much diminished.

These are some of the effects of these pernicious conflicts—criminations and recriminations of leaders—and are fruitless, or only serve to irritate and make matters more incurable. As regards the rights of self-government, certainly

that which is sound justice and solid argument in Buenos Ayres against Spain, is equally sound and solid in the Banda Oriental and in Paraguay; if any one has the right to throw off the yoke, and to assume to itself its own government, all have the same right. The rights of all of them are, then, perfectly equal; and no one province can, in justice, have the privilege of ruling over any other of them without its consent. To restore peace and harmony to these contending provinces, would be to bestow on them the greatest imaginable benefit; by removing the most imposing and plausible pretext for all internal guards and military forces, the soldiery must be sent, where they ought to be, to meet the foreign enemy on the frontier, which is the only foe in arms the people ought to have to contend with. The chiefs being thus deprived of the source of their arbitrary power, the effect would be, at once, to give the people their liberties, and to restore to their country all its abundance, its resources, and its blessings. But, without this, to attempt to give to any one of the provinces a preponderancy over the rest, would be to confirm or to drive the people of every province into an unqualified submission to the military chief of each division of the country; and it would be to lend a helping hand to settle the country down under the government of a number of petty Kings or Princes, instead of a confederated republic. The British Government and its authorities, with a continually wakeful regard to their commercial interests, have endeavored to pursue the incongruous and difficult policy of thwarting and confounding the republican principles of the people; and, at the same time, of discountenancing the inveterate hostility of the chiefs of the provinces, so wasteful of the commercial productions of the country. The English Admiral, Bowles, concluded a treaty of agreement with General Artigas, regulating the British commercial intercourse with the people whom he controls; and an English Consul, resident in Buenos Ayres, with a ship of war always near, without promoting the establishment of free institutions anywhere, insures an unrestrained trade with all the warring provinces.

Although, by the Treaty of St. Ildefonso, of 1777, between Spain and Portugal, the limits which separate Brazil from the Spanish dominions were finally settled; and, therefore, as it would seem, on the score of right, the King of Portugal cannot have the least pretension whatever to the Banda Oriental, or indeed to any portion of the territory of the late Viceroyalty of Buenos Ayres; yet that monarch has invaded the Banda Oriental, claiming to hold it by right of conquest, or on some other ground, (I know not what,) as a part of Brazil; and a Portuguese army, under the command of General Lecor, is now in the actual occupation of the city of Montevideo, and about three or four miles around it. The Government of Buenos Ayres and the King of Portugal are now at peace, and apparently a perfectly friendly intercourse is carried on between Buenos Ayres and Montevideo; while, on

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the other hand, there exists at this time, and has always been waged, the most inveterate hostility between Artigas and the Portuguese. It would appear that Artigas and his gauchos are bravely defending their homes, their rights, and their country; that the King of Portugal, availing himself of the weakness and distractions of the affairs of his kinsman Ferdinand VII., intended to aggrandize himself by annexing a portion of his provinces to Brazil; and that Buenos Ayres, desirous of preserving the lucrative commerce of the river unembarrassed, had either actually compromised with Portugal, or was willing to look with solemn dignity upon that which it felt too feeble to resist or resent; or that it was at present so much exasperated at the enemy against whose edifice the blow of Portugal is aimed, as to refuse to ward it off, even although it may, by its striking effectually, itself be seriously wounded by the scattering fragments.

The revenue of the Government of Buenos Ayres has been extremely fluctuating, owing to the very unsettled state of its political affairs. During the early period of the revolution, it was said to have amounted to between three and four millions of dollars per annum; at present, it does not amount to fully two millions. In the first years of the revolution, confiscation of the property of godos, and imprestitos, or forced loans, levied off the disaffected, poured considerable sums into the treasury. These sources of revenue are now exhausted, or have ceased. A great source of revenue is the tithes, which are all paid into the treasury, except the salaries of the canons, two thousand dollars per annum each, and a small deduction, which goes to the support of the clergy generally; who, with that allowance from the tithes, their first fruits, alms, &c., and the proceeds of their own property, are very well supported. It may be estimated that the clergy of the several provinces amount to one-seventeenth part of the whole population. But monkish institutions are rapidly falling into disrepute, and the people have every prospect of being soon relieved from their influence and their burden. The product of the tithes depends very much upon the state of husbandry; and agriculture having declined, this source of revenue has also been diminished. The other branches of revenue, derived from internal taxation, are the alcavala, licenses to retailers, and such like indirect taxes. But the principal source of revenue to the Government of Buenos Ayres is that derived from the customs, or its duties on imports and exports. The changes that have already begun, and are likely to continue and increase, will account for the diminution of its revenue in this principal branch also. Under the Viceroyalty, Buenos Ayres and Montevideo were the only ports of entry and collection of the customs for the whole country; but, in consequence of the wars and devastations about Montevideo, commerce was driven entirely up the river, and passed exclusively through Buenos Ayres; since then, the Banda Oriental and Entre Rios have declared themselves independent and unconnected,

and, having made a commercial regulation with the British Admiral, much of the trade which used formerly to fill the coffers of Buenos Ayres is now beginning to find its way direct to the opposite side of the river; and the trade of Paraguay, having been for some time closed against Buenos Ayres, is also taking that direction. A considerable part of the foreign goods, particularly British, which paid a duty at Buenos Ayres, was sent into many places and provinces beyond its immediate jurisdiction. A large amount was sent over the Andes from Mendoza into Chili, or into the high provinces to the northwestward. Since the opening of the ports of Chili, this route of transportation must be too expensive to continue; and, consequently, the revenue thus derived to Buenos Ayres must cease. Some of these causes are permanent, and others will continue to operate until harmony among the provinces shall be restored, and the establishment of peace, order, and freedom, shall give that security to person and property which is the only true mode of encouraging all profitable pursuits, of husbandry and pasturage, as well as all others.

The Government of Buenos Ayres has an outstanding public debt of about one million of dollars. This debt has been chiefly created by an issue of what are called boletas, or due bills, given in discharge of salaries due from the State to its military and civil officers. The Government, finding the revenue fall short, ordered one-half only of all salaries to be paid in cash, and the other half to be paid in this scrip called boletas, which is redeemable indefinitely and at pleasure. In April last, boletas were as much as fifty and sixty per cent. below par. Notwithstanding this economical measure of issuing boletas, the Government, not still being able to meet the various demands on it as they were made, has, therefore, from time to time, issued its notes or bills payable on demand, as funds should accrue in the treasury. These notes are called Government cash paper; there is no great amount of it afloat, and it is said to be equal to what we should call good mercantile paper at ninety days.

The military force of Buenos Ayres, as estimated by intelligent persons of that city, according to the representations current there, amount, in the whole, to thirteen thousand infantry, fourteen hundred cavalry, and fifteen hundred artillery, which was thus distributed. From the sum total, the army of Santa Fe, estimated at nineteen hundred, which was extinguished about the 1st of April last, is to be deducted. And of the residue of this military force, there are quartered in and about the city of Buenos Ayres twenty-five hundred; there are, in the army of Peru, at Salta, commanded by General Belgrano, three thousand; and in the army of Chili, under General San Martin, which, in Buenos Ayres, is called and estimated as a part of the military establishment of the United Provinces of the Rio de la Plata, and in Chili is called the united army of the Andes, there were said to be nine thousand five hundred. Of this latter army, about two thousand freed negro troops were sent from Bue-

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nos Ayres, with an intention of finally getting rid of them by wasting them in the wars of that country, or of leaving them to be disbanded there. The rest of the army of the Andes was originally composed of fugitive Chilianos. The army of Peru has been almost wholly recruited in the high provinces, and has, in many respects, imposed upon them peculiar hardships; all its provisions, cavalry, and stores, have been furnished from that country, and its ranks have been entirely filled from it. And the numerous desertions, and continual recruiting, has had the effect not so much of wasting and diminishing the aggregate amount of population, as it has of throwing it loose from the ties of its habits and domicile, and of shifting and changing its individual location.

The naval armament of the Government of Buenos Ayres consists of ten small vessels, brigs, and schooners, of from two to twelve guns each, among which there is distributed a marine corps of about two hundred and fifty men.

I have made every effort to methodize and arrange all I had to present to you, relative to the Viceroyalty or provinces of Buenos Ayres, in such form and manner as to cause the subject to be seen in a clear light, and to be fully understood. I trust my efforts have not been altogether fruitless. And, as likely to aid the obtaining a correct view of what I have related, and to facilitate the use and application of some important facts, I have made out and annexed the following statistical table:

A statistical table of the late Viceroyalty of Buenos Ayres.

| Number. | Names of the provinces. | Population of | | | Territorial extent in square miles of | | | Representatives. | |
|---------------------------------------|-------------------------|---------------------|-------------------|------------------|---------------------------------------|-------------------|------------------|------------------|-----------|
| | | Those in the Union. | Opposed to Union. | As yet colonies. | Those in the Union. | Opposed to Union. | As yet colonies. | Now sent. | Entitled. |
| 1 | Buenos Ayres - | 105,000 | - | - | 50,000 | - | - | 7 | 7 |
| 2 | Banda Oriental - | - | 45,000 | - | - | * 86,000 | - | - | 3 |
| 3 | Entre Rios - | - | 25,000 | - | - | * 104,500 | - | - | 2 |
| 4 | Cordova - | 75,000 | - | - | 105,000 | - | - | 3 | 5 |
| 5 | Punta San Luis - | 10,000 | - | - | 40,000 | - | - | 1 | 1 |
| 6 | Mendoza - | 38,000 | - | - | 38,000 | - | - | 1 | 2 |
| 7 | San Juan - | 34,000 | - | - | 36,000 | - | - | 1 | 2 |
| 8 | Rioja - | 20,000 | - | - | 22,400 | - | - | 1 | 1 |
| 9 | Catamarca - | 36,000 | - | - | 11,200 | - | - | 1 | 2 |
| 10 | Santiago del Estero | 45,000 | - | - | 40,000 | - | - | 1 | 3 |
| 11 | Tucuman - | 45,000 | - | - | 50,000 | - | - | 2 | 3 |
| 12 | Salta - | 50,000 | - | - | 41,000 | - | - | 1 | 3 |
| 13 | Jujuy - | 25,000 | - | - | 30,000 | - | - | 1 | 1 |
| 14 | Chicas - | - | - | 10,000 | - | - | 26,400 | 1 | 1 |
| 15 | Potosi - | - | - | 112,000 | - | - | 12,000 | - | 7 |
| 16 | Misque - | - | - | 15,000 | - | - | 9,000 | 1 | 1 |
| 17 | Charcas - | - | - | 120,000 | - | - | 5,000 | 3 | 10 |
| 18 | Cochabamba - | - | - | 100,000 | - | - | 3,400 | 1 | 7 |
| 19 | La Paz - | - | - | 60,000 | - | - | 10,000 | - | 3 |
| 20 | Paraguay - | - | 110,000 | - | - | 43,200 | - | - | 7 |
| Total - | | 483,000 | 180,000 | 417,000 | 643,600 | 233,700 | 65,800 | 26 | 71 |
| Aggregate of population and territory | | - | - | 1,080,000 | - | - | 763,100 | | |

NOTE.—The productions of these provinces are cattle, wood, skins, fruit, wine, tobacco, lime, salt, matte, brandy, peltry, precious metals, grain, sugar, and timber.

* The estimate of the extent of these provinces includes their Indian territory

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CHILI.

On the 15th of April, 1818, I left Buenos Ayres, and on the 26th arrived in Mendoza. The distance, by the way of the post road which I travelled, is estimated at nine hundred miles. After making the necessary preparations in Mendoza for crossing the Andes, I set out on the 29th of April, and arrived in Santiago de Chili on the 5th of May following. On the 7th of May I called on Don Antonio José de Irisarri, and told him I wished to present my respects to the Supreme Director of the State, and to make some communications to him, with which I was charged by the President of the United States. Mr. Irisarri, after seeing the Director, replied that it would be agreeable to him to receive my visit on the next day at ten o'clock, when he would do himself the pleasure of introducing me.

On the next day, accordingly, at the hour appointed, I waited on the Director, and found him in the common hall of audience and business. He received me respectfully, and I congratulated him on the late splendid victory of Maipu, which had freed his country from its foreign foes, secured its independence, and would, I was sure, be attended with the happiest consequences. He expressed his pleasure at my congratulations and good wishes.

I told him I was one of those who had been sent by the President of the United States in a public ship to that country, for the purpose of obtaining correct information of its situation, and of making some communications as to the course pursued by the United States, as well in a general as a particular point of view; that the President and people of the United States felt a lively interest in the fate of that country, whose people were not looked on as insurgents in rebellion, but as waging a civil contest, in which each of the contending parties were entitled to equal rights and respect; that the United States had and would observe the most strict and perfect neutrality; and that nothing should be yielded, or in any manner conceded to the one which would not, in like manner, be granted to the other, according to the law of nations. He said he had already been assured of the friendly and neutral disposition of the United States, and that it was expected the independence of Chili would be first recognised by the first independent Government of their own continent. I assured him that the United States wished no advantages of any kind whatever of this infant Republic; that he would see, by the late Message of the President to Congress, the United States neither wished, nor would ask, any commercial advantages of that country, in any treaty which might hereafter be formed between them; that the interests of my country were altogether and perfectly compatible with the best interests of that; that the United States not only wished that country independent, but also earnestly hoped it might be free, so that each might thus form a security to free institutions, and contribute

to the prosperity of the other; and that the late splendid victory having swept from Chili everything like a foreign foe, I presumed it would now set about forming a constitution and form of government for itself. He said he felt assured of the mutual interests and good will which subsisted between our countries, and that he should be glad to see the President's Message to Congress; that the state of that country hitherto had been such, that no constitution could be formed; but that in a short time a provisional regulation would be promulgated for its temporary government. He added that, under existing circumstances, it was deemed impracticable to form a constitution, and dangerous to convene a congress. I expressed a hope that there could not now be the least apprehension of a foreign foe. He said there was not; but that congresses had been found to be very dangerous; that they brought with them and excited feuds, and jealousies, and party spirit, and intrigue; that that country had once already been lost by a congress; that Venezuela and other provinces had been lost by a congress; therefore, no representation would be convened there until affairs were more suitable. I told him I had been charged by the President to seek and to ask for information concerning that country from the most correct sources and the highest authorities; that the Government of the United States, owing to that country's having been so entirely closed against all foreign intercourse under its late system, was comparatively very uninformed as to its situation, strength, and resources: I was therefore directed to ask for a statement of its population, its military and naval forces, its revenue, and resources of every description, and its relations with other Powers; that the communications might be made confidentially; or, in whatever way it should be made, I could assure him that the Government of the United States was actuated only by the most frank and friendly motives, by no other views than those of regulating its conduct hereafter with a correct knowledge of the state of affairs, and that no use whatever should be made of the information thus communicated, other than to promote the amicable relations and the best interests of both countries; that it was important, as well to that country as to the United States, that any measures hereafter to be taken should be adopted advisedly, and with a perfect knowledge of the state of things. He expressed his assent to what I stated respecting the propriety of acting with information of circumstances; and added, that he should take pleasure in ordering the communication to be made out as requested. I then told him I should take the liberty of again troubling him, when he was at leisure, with some other communications which I was directed to present to his view. He replied that he should feel great pleasure in having an interview with me upon matters relative to our countries, whenever it might be convenient, and I took my leave.

On the 9th of May I called on the Director, and delivered to him a printed copy of the President's Message of the 2d of December last, which

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he had expressed a wish to see. I said to him that he would perceive by it that the United States were desirous of cultivating the most friendly intercourse with that country. He replied that they felt sensibly the value of our amicable dispositions, and should not be wanting, on their part, in promoting amicable relations on the most liberal terms. I expressed a hope that the information I had asked for would be made out as soon as the convenience of the public offices would allow, as I was anxious to return by the first safe opportunity. He replied that it should be made out without delay. I told him there were some other points which I should, at another time, bring into view, but with which I would not then engage his attention. In answer to which, he expressed a readiness to hear me with pleasure when convenient. I asked him if there was any news or any occurrence of importance of late. He said there was nothing but the singular and unlucky affair of their ship, the *Lautaro*, which, after having vanquished two frigates of the enemy, the *Esmeralda* and *Pezuela* had, in the most unaccountable manner, suffered them to escape. I observed that I had heard it spoken of as an extraordinary event. He said he could only attribute it to the misconduct of the *Chilinos* on board the *Lautaro*, who were wholly unacquainted with maritime affairs. I observed that I presumed there were but few sailors among the people of the country. He replied it was true; for, indeed, there was not a sailor to be found among all the people of *Chili*; and, he added, that such was their information of the then circumstances of *Peru*, and the feebleness of the royal forces there, that if *Chili* now had but a few ships-of-war to clear the coast, and to transport its forces to *Lima*, that city, with the whole province, would at once be relieved from under the colonial yoke; but that the difficulties of procuring a naval armament were very great. I expressed my regret that an achievement so splendid, one so important in its consequences, and on every account so much to be desired by them, should be obstructed by a difficulty so serious and insurmountable, and bade him adieu.

On the 14th of May I called again on the Director. I told him that there were some other points which I had been directed by the President to bring into the view of the public authorities of the Patriot Powers I should visit. The first of these related to *Amelia Island* and *Galveston*, which had lately been taken possession of by the United States. The Director said he had never before heard of these places, and asked for an explanation of their situation and nature. I described to him the geographical position of these two places; and then added, with regard to *Amelia Island*, that the United States had not taken possession of it as being a part of its own territory, but to prevent its being used as a means of violating its municipal regulations, by smuggling merchandise into the United States in fraud of its revenue, and by introducing negro slaves into the States immediately adjoining, contrary to its positive law, and thus increasing a species

of population which was considered as an evil, and the addition to which it was determined to prevent by all possible means. That *Amelia Island* had been a rendezvous for a set of pirates and freebooters, who had, for some time past, infested those seas, interrupting and annoying as well the commerce of the United States as the fair traders of other nations; that, for those reasons, the United States had thought proper to take possession of that island, and to expel those cruisers who pretended to sail under commissions from the patriot authorities of *Mexico*, of *Venezuela*, or such of them as seemed best to answer their purpose; that *Amelia Island* was taken possession of by the United States under a law or act of Congress, which authorized the President to occupy *Florida*, so as to prevent its falling into the hands of any other nation until the claims of the United States against *Spain* were adjusted; and that it would be held, accordingly, subject to explanations to be given to *Spain*.

With regard to *Galveston*, the same reasons had induced the United States to take possession of it, so far as regarded the violation of its municipal and commercial regulations; and, in addition to these, the United States claimed, and would continue to hold that position as a portion of its own territory, included, as it contended, within the true and rightful boundary of *Louisiana*; that, in occupying those two places, and driving off those cruisers who prowled along and infested those seas, in the name of the patriots of *South America*, the United States conceived that they were, so far from injuring, rendering an essential service to the patriot cause, by preventing its name and honor from being tarnished and disgraced by a set of sea robbers and freebooters, committing the greatest outrages under its name and flag. The Director said he saw it clearly, and was very glad the United States had adopted so correct and decisive a measure; and, so far from seeing anything unfriendly, he anticipated from it the happiest consequences to the patriot cause, by thus preventing an odium from being unjustly brought upon its name. I then told him that the Government of the United States had been informed that some of the cruisers, under the real flag of the patriot authorities, had committed considerable violations on our commerce; that, if any such wrongs were to be committed by armed vessels sailing under the *Chilino* flag, he could not but perceive how inevitably such acts would tend to disturb all harmony between the two countries, and to crush, in the very formation, every friendly relation that might be begun, and desired to be matured between the two nations, since my Government would feel itself bound to protect the rights of its citizens against the insults or injuries of any other people, however deeply it might regret the repulsive measures it was thus driven to adopt; and that the President would wish to be informed if there were any prize courts yet established in the country; and, if any, what regulations had been adopted for the government of the public and private armed vessels of *Chili*. The Director

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said that, whatever cause of complaint the United States might have against the people of any other of the Patriot Powers, none he felt satisfied, could be made against Chilianos, or those under the flag of Chili; because, until very lately, there were no shipping or vessels of any kind belonging to it, excepting, indeed, some fishing boats, and that, within a few months past only, some few vessels had been commissioned; that he had heard of complaints of abuses committed under the flag of other Patriot Powers; and to prevent the like, as far as practicable, from being perpetrated by those of Chili, it had been determined to put on board each an officer, and such a number of marines as would be able to control, and prevent the mischievous propensities of seamen; that, with regard to matters of prize, they were brought before the ordinary and temporary tribunals of the country, until more formal and systematic institutions could be established; and that, for the regulation and government of armed vessels, a set of rules and orders had been adopted, a copy of which should be furnished me, which was accordingly handed me, and accompanies this as document marked A. I expressed much pleasure at hearing that measures would be taken to prevent an injurious and wrongful course of conduct in the only subject which seemed likely at all to disturb the harmony which it was so desirable should be cultivated and improved between the two republics; that the people of the United States not only felt a wish to cherish the amicable relations between the two countries, with an eye to the extension of the channels of commerce with countries which had what they wanted, and were purchasers of that which they had to spare, but they also felt a very lively interest in the patriot cause, arising from moral and political causes. They had once been colonies, and recollected the colonial Government from which they had disengaged themselves by a sharp and trying struggle; and, having since experienced the blessings, and ascertained the prosperity flowing from an independent state, with liberal political and civil institutions, they could not but feel a very strong sympathy in favor of the people of South America, who, they were induced to believe, were not only struggling to throw off an odious colonial system, but also to establish for themselves republican institutions substantially similar to those they enjoyed. These were powerful causes for sympathy, and the people of the United States felt them with all their influence.

That, with regard to the present condition of Europe, it seemed to be admitted by all that it was in the most unsettled and unhappy state; that it could not, and would not, long remain pacific; and whenever its peace should again be entirely broken up, then that country must look to its neutral friend, the United States, as its only carrier; that former experience has evinced, under similar circumstances, that, while the contending nations and warring monarchs of Europe, pursuing a policy peculiarly their own, and with which the United States is fortunately not entangled, had closed every channel of commerce

against each other, the peaceful republic became the same carrier to them all; so, when a similar state of things shall again arise, as seemed by no means improbable, Chili, being without a single seaman, must see that the only neutral willing and able to conduct its commerce in such an event would be the United States. Indeed, in whatever light the subject was viewed, that country must see that the United States was its natural, permanent, and fast friend, who had no interest incompatible with its most rapid prosperity, its greatest welfare, and most perfect freedom; that, although Chili formed a portion of this vast continent, yet such were the natural barriers which divided it from the rest, passable only at certain seasons of the year, along mere mule paths, it should be regarded, in many respects, as an island separated from the world, perfectly secure, and capable of being defended by its own citizens, unaided, against any foreign force whatever; that Chili was now truly independent; nor was it by nature tied by any ligatures, other than those of free and mutual benefit, to any other country on earth, and, therefore, should henceforth regard itself as holding its destinies in its own hands. The people of the United States wish you independent, not to bargain with you, by treaty, for commercial advantages, (for, as you have seen by the President's Message, they stand pledged before the world to ask no such stipulations from the new-born nations of our continent,) but to trade freely, upon terms of equality and mutual benefit. They ask justice and equality—no more, and for the rest rely on their own skill and enterprise. You are reproached with the epithet *rebel*. The people of the United States recollect when the term, with as little liberality, was cast upon them, and they sympathize with you. They are free; and their freedom has caused them to prosper above all other nations; they wish you, in like manner, to be free; that, by freedom, you too may prosper; and because free institutions are better calculated than any other to preserve the peace of nations; and the more you flourish, the greater will be the scope of our commercial and beneficial intercourse with you. It is with these views that I have been directed to visit and seek correct information of you, to the end that the relations between our countries may be better understood, and, in due season and manner, matured into strong and lasting friendship. The Director expressed himself much gratified at my view of things; declared that, on his part, nothing should be wanting to promote the most perfect amity, and that he did most cordially reciprocate the friendly dispositions of the United States; but, said he, in times of revolution, we have seen that it is difficult at once to bring about any important, material change, however desirable and reasonable, without endangering everything. We have seen that our people are not like yours; they are not used to Congresses; and, therefore, Congresses have often lost the country. The Mexican Congress lost that country; the Congress of Venezuela had once lost that country; and the Congress of Buenos Ayres had endangered that

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country, until now of late it had learned to act more in concert and with greater propriety. I observed that, no doubt, in the beginning, errors would be committed; but that everything good must have a beginning, notwithstanding some minor evils might arise; that I hoped soon to see the representative system introduced into that country; and that, if it could not be effected at once upon a large and comprehensive scale, by filling some of the leading offices by election, the whole system would soon begin to flourish; and, if cherished and sustained by a perfectly free press, I felt no doubt that the happiest effects would soon arise, and that the principles of free government would be as well understood there as in the United States. He said it was his determination to adopt, as soon as practicable, the representative system of government; and that, in a few days, his manifesto would be published, in which all his views and intentions would be disclosed. A copy of this manifesto is annexed, and marked as exhibit B. After these observations I bade the Director adieu.

On the 21st May, being in company with the Supreme Director, in the course of some trivial conversation with him on the affairs and situation of Chili, he said to me that there always had been a good understanding between the Government of Buenos Ayres and that of Chili since the revolution, but now the tie between them was very intimate and strong; in short, said he, whatever the Government of Buenos Ayres was to ask of this Government, no matter what, it would be done; and, on the other hand, whatever should be asked by Chili of Buenos Ayres, would in like manner be granted; so that, in fact, the bonds of union are as strict as they can be, for they are as two bodies animated by one soul. Previous to the late battle of Maipu, said he, we were obliged to manage and get on as well as we could, but now the two Governments are united, never more to be separated; they cannot be separated. You may hear some dissatisfied people talk, and say many things; but the truth is, that Chili and Buenos Ayres can never hereafter be separated. The conversation then turned on other subjects.

On the 25th May, again meeting with the Director, after the usual civilities and some other conversation, I asked him if he had heard of the news or the rumor that was said to have been brought by the last Buenos Ayrean mail. He asked what it was. I told him I understood it was of no less importance than that an agent or commissioner had arrived at Buenos Ayres, bringing authority from England and the Allied Powers to mediate between the Patriot authorities and the King of Spain. He said he had not heard any such news, and he did not think it could be true, or even probable. I told him I viewed the matter in a light rather more serious than he seemed to do, and would give him my reasons. I then told him that, on my way thither from home, I had stopped at Rio Janeiro, and there had heard, through our Minister resident there, from the Spanish Minister resident at the same place, that Spain had prevailed on England to

use her influence with the Allied Powers to prevail on them to undertake a mediation between Spain and her colonies, to induce the colonies to return to their allegiance, on the conditions of granting them free trade, and some other privileges, and modifications of the colonial system, the basis and principles of which were formerly proposed, and rejected by the Cortes or revolutionary Government of Spain, prior to the restoration of Ferdinand VII., and which rejected articles of pacification were to be found inserted in a book lately published in England, entitled "An outline of the Revolution in Spanish America," which book I understood Mr. Irisarri, his secretary, late from England, as well as Mr. Montegudo, an officer of the Government, and who had also lately been in England, were well acquainted with; and, further, that I had understood England had actually agreed to intercede with the Allied Powers, and it was confidently expected its intercession would be effectual, and that the Allied Powers would at least be induced to give the subject a serious consideration; but that I did not understand that England, or any other of the monarchs of Europe, had once thought of including the Republic of the United States in the contemplated pacification of the Patriot authorities; perhaps, because that they saw that the interests of the independent Republic of North America were so wholly unconnected and dissimilar from their own, that to include them would not fall within the compass of their schemes, or might materially embarrass their plans. The Director, after a moment's pause, said, that he did not think there was anything in the report that England wanted their commerce, and he did not believe she would take an active part against them; and that, as to any modification of the colonial system, or return to the allegiance of Old Spain, by that country, it was entirely out of the question. I replied, that, although the last report might be groundless, he might rely on it that there was then an actual negotiation on foot to induce the Allied Powers to take sides with Spain against them, and that England had actually moved in the negotiation. What was the nature and complexion of the negotiation, or what would be its result, time alone would disclose. I made some further observations as to the general policy of the European Powers, and the acknowledged and avowed political principles of hostility to all new and reformed Governments, which had held them together as allies for some years past, when the conversation turned upon other subjects.

On the 7th June, in the course of conversation with the Director, he said to me that he had thought, at the time, that there could not be anything in what I had told him respecting the mediation of the Allied Powers, as moved by England, and that I must have been misinformed; now, however, said he, I am perfectly satisfied of its truth, for Captain Shirriff, of the British frigate *Andromache*, who had just left Santiago, told me he had in his power papers on that subject, with which he was going to Lima; that he should soon return here on the same subject, and bring

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with him some account of what might be done; and that his Government had, he was sure, induced the Allied Powers to mediate between Spain and her colonies, and that the subject would soon be taken up in due form. The Director did not seem willing to go further in explanations as to what Captain Shirriff had communicated, but gave me to understand that all attempts at a reconciliation between Spain and that country, upon any other basis than that of the recognition of the entire independence of Chili, would be vain and fruitless.

On the 9th July I received the statistical information which had been promised, and which is hereto annexed, and marked as document C. I then called at the office of the Secretary of State, and, after having some conversation with Mr. Irisarri on the subject of his communication, I took my leave of him. I then called on the Supreme Director for the purpose of taking leave of him. I told him I should leave the city on the ensuing day for Valparaiso, where I intended to embark for my country; that I had received the promised communication, which, although very concise and much condensed, would, I hoped, be deemed satisfactory; and that I had also received a copy of the rules and regulations for the government of cruisers. He said that he had intended to write to the President of the United States, merely to say to him, as the chief magistrate of a great nation, that Chili had declared itself independent, so that he might be officially apprized of that fact, and also to enclose him his late manifesto, a copy of which he had sent me, (and is annexed,) and that if he could find leisure he should still do so; but that the state of his crippled arm, (his right arm had been broken by a musket ball in the conflict of Cancharayada,) and the great press of other business of more immediate urgency, had not left him a moment's leisure or ease. I observed I should, with pleasure, be the bearer of any despatches he might think proper to send to my Government; and, if he thought proper, I would call on him again. He said he would not ask that, but would endeavor to have his letter prepared before I left town, and send it to me. He then expressed a hope that much good might grow out of my mission, and that it would lead to the most permanent friendly relations between our two countries. I told him I most cordially reciprocated the hopes he had expressed; that, for myself, and as an individual, I had seen, since my visit to Chili, much that should induce the United States to cultivate its friendship; that the interests of the two countries appeared to me to harmonize as perfectly as any two nations could possibly do; that they were, in no respect, at variance; that all the best interests of my country were compatible with the most perfect freedom, and the most rapid growth and prosperity of Chili. The Director said the subject had made a similar impression on his mind; still, however, said he, as it would have a powerful effect in confirming the independence which Chili had declared, to have it recognised by some of the most respectable independent nations, Chili

would be willing, indeed does actually expect and intend, to extend many commercial advantages to that nation which shall first recognise its independence; and, in doing so, it would be peculiarly gratifying that that favored nation should be the United States, a republic of our own continent, to which Chilianos are strongly disposed to become attached, and to be upon terms of the most intimate and cordial friendship.

I told him that the people of the United States sympathized very strongly with that country in its struggle for freedom, and had, in various ways, more particularly in the mission which had been sent to it, shown a very great disposition to sanction the independence, and to cultivate the friendship of Chili, but, with regard to any commercial advantages to which he alluded, I had no instructions to speak; indeed, on the contrary, he would perceive that the President, in his late Message to Congress, had taken that manly, open, and generous ground from which I did not believe the nation would wish to depart. The United States wanted no commercial advantages held out to them as an inducement to the acknowledging, or as a compensation for sustaining the recognition of the independence of Chili; the republic to which I belong wishes to be informed—to see its way clear—to act with a due degree of circumspection, and it will then treat with a new people contending for their liberties, as it ought, upon terms of the most exact equality and reciprocity, and be prepared to meet all consequences. But, said the Director, we shall certainly make regulations in favor of that nation which shall first recognise our independence; our people will expect it, and it will be done. I observed, that the people of the United States would not fail duly to appreciate whatever municipal regulations, in favor of the commerce of their country, might flow from the voluntary goodwill of the Government of Chili, in the event of its independence being recognised, but I felt confident that my Government would not ask to have any advantageous stipulations inserted in any treaty it might enter into with Chili; that the United States sought only for justice and perfect equality, and relied for all advantages on the intelligence, skill, and enterprise of its citizens, to insure to them every benefit they could wish from their good friends the Chilianos. The Director then desired that I would present his highest respects to the President of the United States, and express to him his amicable disposition, as well for himself, personally, as in the name and in behalf of Chili. I wished him much happiness, &c., and bade him adieu.

On the next day, the 10th July, 1818, I left Santiago de Chili. On the day following I arrived in Valparaiso. On the 15th I sailed from thence, in the brig America, Captain Daniel Rea, bound, by the way of Cape Horn, for Philadelphia, where I arrived on the 29th October, 1818.

In contemplating the state of things in Chili, one is struck at once with the variety and novelty. A country exhibiting features so bold, and in many respects so entirely singular; where nature

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has been in some cases so liberal in bestowing her benefits, yet has withheld them in others no less important; whose soil is generous in the nutrition of the cereal gramina to the utmost bounds of what has been anywhere known, yet more than half of its whole extent refuses to sustain a timber tree; a sky seldom overshadowed with a cloud, and rarely swept by a tempest; the surface of the territory bound with chain above chain of rocky mountains, yet frequently trembling with earthquakes, and seldom refreshed by a shower; a people mild, amiable, brave, and uninformed, who but yesterday passively yielded obedience to a monarch known to them only through the medium of his oppressive deputies, yet whose cause they for a time espoused, and whose wrongs, deposition, and vices, agitated and awoke them into their present revolution; a people who have, with a bravery never surpassed, and worthy of the cause in which they have engaged, declared themselves independent and determined to be free; who have begun to disengage themselves from their shackles, and to throw off their sackcloth and ashes: a country where the old institutions are many of them tumbled into ruins, and there seems to be a wish or a necessity to abandon them all; where society has swung from its ancient moorings, and is loosely or only held together by the first principles of civilization, or an ill-jointed military despotism, well disposed to command, yet trembling at the very name of the people; altogether presenting a scene which cannot be viewed with indifference, to which it is difficult to do justice, and with which the understanding may be readily misguided by the feelings. In such a state of things, to collect, digest, and arrange a clear and distinct view of affairs, of the commerce of Chili, of its strength, military and naval, of its capacities in peace and war, its political institutions now existing, or the nature of those likely to be framed, is by no means an easy task. In a time of revolution every fact and circumstance is apt to be distorted by the passions; generosity hopes too confidently and paints too fair; ambition colors to suit its purpose; and malice and indolence are always boding ill, and often denounce venal feelings as evidence of incurable vice, and proofs of the necessity of continuing the exercise of arbitrary power. Without, however, presuming to indulge in speculation, I shall confine myself to the path of duty, and endeavor to draw together and arrange a plain account of present and existing facts and circumstances relative to a country in many respects so interesting to the United States.

The long and mountainous territory of Chili commences on the Pacific, at the mouth of the Rio Salado; thence, ascending that river, and extending away from it toward Paquil by a line in a northeasterly direction, over a portion of the frightful desert of Atacama beyond the twenty-fourth degree of south latitude, until it intersects the great chain of the Andes covered with perpetual snows; thence, turning directly south, and taking for its boundary the summit of the most elevated Cordillera, and continuing along it south,

embracing what is sometimes called New Chili, or the land of Magellan, until it reaches the strait of the same name; thence, returning by a coast of more than two thousand miles in extent, indented by numerous bays and harbors, along which are found the mouths of about thirty-five rivers, which, after irrigating some of the most productive valleys on earth, pour the melted snows of the Andes into the Pacific; including also, as a part of the dominion of Chili, along its bold, brown coast, many islands, besides the great one of Chiloe, or those which form the archipelago of Chiloe or the Ancud.

The traveller who should set out from the straits of Chacao, and make the tour of Chili entirely to its northern boundary, the Rio Salado, would form an opinion of the country in many respects materially different from what would be taken up by reading any account of it that has been hitherto published; he would find a land whose advantages and inconveniences are in many respects peculiar, which has been sufficiently eulogized in general terms, yet the excellencies of which have not been so accurately described and estimated as they ought to have been. Laying aside, however, all that belongs to history and philosophy, and without entering into a scientific discussion of the physical peculiarities of Chili, I shall make some few observations on the qualities of the territory, and its capacities, as evinced by past experience, to furnish its quota to the general stock of commerce, and as being in itself the avenue to a more extended scope of mercantile enterprise and profit. Supposing the tourist to commence from the straits of Chacao with these objects in view, he would naturally have his attention directed to the number of the articles of the first necessity with which the country was clothed or furnished by nature; and he would no less attentively observe its capacity to produce those articles by cultivation as well as what might be extracted from it of real or of artificial value; and, these being ascertained, everything belonging to natural philosophy would be understood relative to Chili necessary for a foreign Government to know in order to regulate its commercial intercourse with it to advantage.

Taking leave of the shore opposite the island of Chiloe, and entering into the territory of the Araucanian Indians, a citizen of the United States might imagine himself among the mountain forests of his own country. He would, no doubt, be struck with the great dissimilarity of almost every individual belonging to the vegetable kingdom from those of the northern hemisphere, but without proceeding to inquire and investigate as a mere botanist, he would see a country abundantly clothed with fine timber, excellent of its kind, and extremely well adapted to domestic and to naval architecture, and all other useful purposes; he would find the soil which was thus valuably shaded prodigiously fertile, almost all of it fit for tillage, and well adapted to the cultivation and growth of the various kinds of grain; the climate he would find not materially different from that to be met with in the United States among the

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mountains at a similar distance from the equator; not so intensely cold in the winter, but no less generally salubrious. This would be found to be the general face of the country until he arrived at the banks of the Biobio. He would find this fine region at present owned and occupied by the celebrated Araucos, a peculiar race of American aborigines, who, with rapidly sinking fortunes and broken spirits, still have something of their pristine character and virtue left, but who are declining in numbers and in strength, and among whom the names of Lautaro and Capaulicon are yet remembered, but are revered as the last of the Araucos.

Crossing the Biobio he would enter immediately into the bishopric of Concepcion, a country occupied by Spanish population, and similar to that of Arauco, except so far as its present civilized owners have wrought changes on its features. At the river Maule, he would take leave of the bishopric of Concepcion and enter that of Santiago; but he would here perceive that a boundary much more important than that which had been drawn between the temporalities of the church had been established by nature herself; that her clothing of rich forests, which have been gradually made thinner, was here entirely thrown off; he would observe, here and there, a solitary tree, but no more of what could be called a timber forest; he would observe some trees and thickets skirting the margins of the rivers, and notice that the valleys and mountain sides were gayly decorated with flowers of the most vivid colors, of various shrubs and plants, and that they were thickly clad with grass and herbage, but that, stripped of all umbrageous covering, nature lay exposed under a calm and cloudless sky, basking in the strong rays of a fervid sun. From the city of Concepcion to Santiago, the capital of the State, he would, with the exception of one or two ridges, pass through one continued village of peasantry; and, pursuing his route still northwardly, until he arrived at the river Aconcagua, he would observe that the soil had nowhere diminished in its general fertility, but that it was yet more destitute of timber and forest trees; and he would remark that, from Santiago, and indeed some distance to the southward of that city, no valley or field could be planted or cultivated in any way which was not so situated as to be regularly irrigated from some river or stream of water.

After crossing the river of Aconcagua, he would perceive that he had left the forests and the timbered regions of Chili far behind; that he had passed the country so astonishingly productive of wheat and barley; and that he had now entered upon the dry and sultry regions of the mines of tin, copper, silver, and gold, where the soil was less productive of vegetable fruits, where nature was in those respects less kind or more neglected than farther to the south. After passing this comparatively unproductive but golden region, whose riches chiefly lie hid beneath its surface, he might be received into the wretched casucha of a vacuna hunter on the banks of the

Salado, the northern boundary of the State, and on the confines of the dreary desert of Atacama where thirst and famine claim an entire dominion, and forbid, under heavy penalties, the encroachment of either vegetable or animal life. He would then have passed over numerous valleys of a rich black and chocolate-colored soil, some in grain, but mostly grass and herbage, of almost incredible fecundity. He would have frequently passed steep cuestas, or declivities, and portezuelas, or little doors, in the ridges which appear to girt and belt the country in every direction. He might, on casting up his eyes as he crossed a valley, imagine himself in the bottom of an immense natural basin, surrounded on all sides by high mountains, by which the rays of the sun appear to be concentrated to a focus, and poured with the greatest intensity upon the flat, unshaded surface below. Until he had reached the river Maule, he might occasionally at any season have been deluged with rain; but at Santiago, for seven months in the year, the valley is never once refreshed by a single shower; and beyond Copiapo rains are scarcely known. He would have sometimes risen, and again descended, from one valley into another; and holding a course generally from south to north, he would occasionally have followed the valleys as they inclined or declined easterly or westerly. He would have scarcely ever lost sight of the principal towering Cordillera of the Andes on the right; and now and then, rising on an eminence, or looking through a portezuela, in the ridge which lifts its brown side almost perpendicularly above the waves, he would have had a sight of the great Pacific ocean. He would have travelled upwards of one thousand miles, and seen all Chili.

Taking this as the extent of Chili, as it is generally considered when spoken of by its own people, (for they seldom make any account of the land of Magellan,) the State may be divided, as to its climate, into two regions; the variable and humid region south of the Maule, where the weather is changeful, and it rains occasionally throughout the year, as in the United States, and the invariable and dry country to the north of that river, where it does not rain for two-thirds of the year, and in the most northerly provinces of which it rains not at all. And with reference to its natural productions, the country south of the Maule may be called the timber region, from the Biobio to the valley of Aconcagua, inclusive. a land flowing with corn, wine, and oil; and from thence to the northern boundary, the region of valuable and precious metals. These leading characteristic traits and features are intelligibly and visibly stamped upon it by the hand of nature; they are evident at first sight, and at once attract the attention of every stranger. But to this, as to other general rules, there are exceptions; there are some forest trees near Santiago, and they will grow wherever there is a regular supply of moisture. Wheat and vines are cultivated near Copiapo, and iron is said to be found in greatest abundance near the southern extrem-

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ity of the State. And the Chilinos, when in their boastful mood, say, with more foundation of truth than at first might be imagined, that they possess a country which is throughout of greater fecundity than any other on the globe, and that they never put their foot upon it without treading on silver and on gold.

The average production of wheat in the grain country south of Aconcagua I believe to be truly estimated at about fifty bushels for one sown. The soil of the valleys of Chili certainly has every external appearance of fertility; but still I am inclined to believe that much is to be attributed to the peculiarity of the climate of the middle and northern parts of the State. The grain is sown at the commencement of the rainy season, or soon after it sets in; after that is over, and as it is required, the field is regularly watered from a neighboring stream; there is not much dew, no rain, and never a wind to break or prostrate the stalk of the grain during the period of its growth. Thus furnished with an abundance of moisture at the root, where for wheat it seems to be only wanted, a fervid sun, uninterrupted either by fogs, or rains, or heavy blasts, or cold seasons, which in our country so often disappoint the hopes of the farmer, urges an uncommonly generous soil to exert all its energies, and gently bring to maturity all its fecundity. As a proof of the uncommon aridity of the atmosphere, near and north of Santiago, it is usually observed that iron retains its polish a long time, and is very slowly affected by rust. But accident drew my attention to what appeared to be a more accurate test of the dryness of the air in Chili. In the humid atmosphere of the neighborhood of Punta San Luis, just above the great pampas, there is found in abundance, growing wild, a small parasitic plant much admired for the beauty and sweetness of its flower, called the *flora del ayre*, from its deriving its subsistence entirely from the air; it has been taken to Buenos Ayres, and there flourishes well. But, on inquiring for this little parasite in Chili, I was told that it had been very often brought over the Andes, but was never known to survive the extreme dryness of the atmosphere of Chili more than one season.

The soil of the valleys of Chili is as productive of barley as of wheat, and apparently for the same reason; but there is not much Indian corn raised, because, as is said, it requires its top as well as its root to be moistened and refreshed, and, therefore, the climate does not everywhere suit its growth as well as it does small grain. Chili is no less wonderfully fruitful in the production of hemp than in wheat. In all the humid region, and in every part of it where the soil can be regularly irrigated, hemp may be produced in any quantity. The vine also flourishes exceedingly well wherever it can be watered, and is very generally cultivated with great profit. The fruit of the vineyards of Chili is very abundant; but the means used for preparing the product for market are awkward, wasteful, and bad. Their presses and distilleries for making wine and brandy are rudely managed, and the liquor

is generally bad; but I have tasted some excellent Chili wine that had been made with care in Penco, near Concepcion, and by one or two others near Coquimbo. The raisins, when carefully dried, are very fine. Figs grow in great abundance and perfection. The olive tree also grows to a great size, and yields abundant crops of very large fruit. Almost all the olive oil used in Chili is made in the country; it is as well tasted as that of Europe, but not so well clarified. The stocks of cattle are everywhere numerous, particularly from Aconcagua to the southward. Each landholder has a great number of horned cattle; the oxen would be reckoned very fine in the United States. The cattle are of a large size, and generally in a condition for beef, except about two months in the year, when the pasturage north of the Maule fails; that is, after the first rain has destroyed the grass which has been dried on the surface of the earth, and before the next covering springs up. The horses of Chili, whose rising forehead and sprightly countenance bespeak them to be of the Moorish race of Andalusia, are uncommonly active, spirited, and serviceable; they are numerous and cheap. The most common beasts of burden of the country, however, are the mules; they are raised in great numbers, and are certainly the finest I have seen anywhere. The country seems to be in many respects peculiarly adapted to sheep. There are none, or very few, of the merino breed; but of the common kind there are great flocks that are little attended to, and by some owners not shorn of their wool once during the whole year.

In the dry regions, the ridges and lesser mountains, which cannot be watered, seem to be condemned to perpetual pasturage. They are annually clothed with a rich coat of grass, which is slowly ripened and gradually dried into hay, in which state it remains on the ground as good food for the cattle until the first rain in Autumn, when it is spoiled or swept off, and then follows a season of scarcity of about two months until this mountain grass springs up again. This is a short interval, and of pleasant weather, compared to our Winters; but the cattle feel it severely, as nothing is provided for them. Hides, tallow, horns, and jerked beef, are, at present, cheaper in Chili than in Buenos Ayres; but its mountain pastures can never be expected, upon a large scale, to compete, in these articles, with the great pampas of Buenos Ayres. The husbandry of Chili is in the very rudest and lowest state: there appeared to be no one single operation conducted with skill, or with the proper advantages; yet there are few, if any, countries on earth where the labors of the husbandman, shepherd, and herdsman, are so generously and liberally rewarded. The riches that Chili even now derives from these articles are considerable, and they might be immense. It is now, and must always be, the granary of all tropical regions fronting on the Pacific. But Chili has not hitherto been permitted to know its own value, or to exhibit the various sources of its wealth. There are a few flour mills in the country which manufac-

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ture some for exportation. It is not, however, for want of streams and falls of water that more and better mills are not erected. Immediately in the suburbs of Santiago de Chili there are three mills turned by the river Mapocho. They are said to be as good as any in the country, and are what would be called, in the Middle States of our Union, tub-mills, from the structure of the water wheel. The whole machinery of them is extremely simple and rude.

There are so many valuable and productive mines in the province of Coquimbo and the country to the north of Aconcagua, and the people there are so little engaged in agriculture, and so much devoted to the digging after metals, that it is emphatically called the mining country. But, besides the mines beyond Aconcagua, there are mines and lavaderos all over the State, which contribute more or less to the general amount. It is difficult to form a very accurate estimate of the actual annual amount of the precious metals produced from Chili during the past years of colonial peace, owing to the loose, obscure, and mingled state of things under the late system, and which have been still more confused since. If it be true, as has been said, that two millions were exported during the last year from Buenos Ayres, there can be little doubt that much the greater part of that amount was obtained from Chili, because, as is acknowledged by all, there never was a period of time when the mines of the high provinces were less productive, owing to the country's having been so long and so much the seat of war; and, indeed, of the reduced amount that has been extracted, the greater part was from the mines of those provinces in the actual possession of the royalists; and, therefore, from thence none could have gone to Buenos Ayres. In corroboration of these reasons, it seems to be the universal impression, acknowledgment, or complaint, in Chili, that great sums of money have been sent over the Andes, during the last year, to Buenos Ayres. Besides that which has made its way abroad over the mountains, there has gone from Chili, direct to foreign nations, in other ways, in payments for its imports by sea, upwards of one million more, which would swell the last year's coin or bullion to near three millions—in a year, too, of distraction and civil war. Hence it would appear that the State has, in that time, sent abroad more than twice the amount of precious metals that has been coined at its own mint; and, from the present exhausted state of the country, and other circumstances, I am induced to believe it very probable.

But the precious metals of Chili can be considered as among the number of the articles of its commerce only to that amount which is over and above what may be necessary as coin to carry on its own domestic exchanges. After deducting the amount of its necessary circulating medium, the surplus is clearly one of its productions, which it offers to the exchanges of foreign nations. It is true, as Mr. Secretary Irisarri has observed, that the coinage at the mint does not give the amount actually extracted from

the mines. The exportation of bullion is prohibited altogether, yet a considerable amount is annually smuggled out of the country; (and this is the contraband to which he alludes;) and it will increase, because of the temptations held out by the high duties on coin. All metal is directed to be carried to the mint, where it pays a *quint*, or one-fifth, duty; and then the coin, if it be exported, is taxed with a duty of nine per cent. more; but if the bullion be smuggled abroad, the *quint* and nine per cent. are saved. That species of bullion called *plata pina*, from the silver having been cast into lumps resembling a pine burr, is worth one-eighth more than the standard coin. This furnishes another inducement to smuggle; and, so soon as it shall be well ascertained that *plata pina* may be passed for the same superior value in China which it bears in Chili, this inducement will be much increased. Before the ports of Chili were opened to foreign commerce, the people had no means of procuring many necessary household utensils, such as plates, dishes, mugs, cups, bowls, forks, &c., other than those made in the country; hence it was not altogether pride and ostentation which caused so general a use of silver utensils of this description; they were necessities, and the cheapest; indeed, in some cases, the only kind to be had. This is the home consumption alluded to by Mr. Irisarri; and it is articles of this description, chiefly, which in the mint report annexed to his letter, are designated by the name of *chafalonía*, or botched, old-fashioned ware. The consumption of silver in this way, formerly, to gratify the ostentation and the convenience of the Spanish families, was very considerable; but, since the porcelain from China, the British Liverpool ware, and the English cutlery, have been introduced, the *chafalonía*, or old-fashioned articles, disappear very rapidly. Therefore, of the two causes alluded to by Mr. Irisarri, which render the mint estimate an unfaithful guide in ascertaining the actual production of the mines, the one increases and the other diminishes with the opening of the ports and the activity of foreign commerce. Upon the whole, however, it is reasonable to suppose that Chili produced, just before the commencement of the revolution, more than three millions of the precious metals; and as but a small quantity of this could be required to keep up the necessary amount of its circulating medium at home, this article of its commerce may, therefore, be set down at about three millions annually.

Beside the precious metals, the copper mines of Coquimbo have actually produced, during the last year, ending 1st May, 1818, amidst the difficulties of the times and the dangers of the State, and shipped in foreign vessels, chiefly of the United States, forty-one thousand quintals. The copper mines are principally situated near the coast, and are believed to be the most productive in the world. In addition to the copper, there has also been shipped from Chili a considerable amount of tin. Of these two metals, the annual production may be estimated at about five hundred thousand dollars.

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In the valley of Santiago there is a great abundance of a species of thorny shrub, or scrub tree, called espino, and which we should, from its appearance, most probably call a dwarf honey locust. It is from this the city is supplied with fuel. This kind of growth is found all the way to the north, but less and not so abundant in Coquimbo as farther south. This is the only fuel at present used in the furnaces for extracting metals; and the mine country has been so nearly stripped of even this scanty supply, that it is dug up by the roots. Fuel has of late become of much more serious consideration, in the process of extracting metals, than it used to be; and if the mines were wrought with greater activity than they are at present, the country of the principal mines would, ere long, be entirely deprived of all fuel. This difficulty has, however, been looked to and considered as it approached. It is said that, in addition to the wood fuel which might be had from the timber country, there is, immediately on the banks of the Biobio, near the city of Concepcion, as fine pit coal to be had, and in as great abundance, as in any part of the world.

Besides the territory north of the river Biobio, or all that portion of Chili settled by a civilized population, which is commonly alluded to when speaking of it in general terms, there are the city and district of Valdivia, the land of Magellan, or New Chili, the island and archipelago of Chiloe, and some other islands of less importance. The district of Valdivia is about thirty miles in length and eighteen in breadth, but thinly populated, and more remarkable and valuable for its timber than anything else. There are said to be forty-seven islands scattered about in the archipelago of Ancud, or Chiloe, as it is more frequently called; the largest of them is that which has imparted its name to the whole group. It is about one hundred and fifty miles long, and fifty broad. The inhabitants of this and the whole group are a mixed race, the greatest proportion native. They are called Chilotes, are much civilized, and have been long under the Spanish Government. The principal articles of commerce furnished from these islands is timber, which is brought to Valparaiso, and the ports north of it, in planks, scantling, &c., chiefly for domestic uses, and pork, a considerable quantity of which is cured into hams, that find a market in the city of Santiago de Chili, and in other more northern parts of the State. This archipelago of Ancud is principally valuable, however, on account of its fishery, and as bidding fair to be the future nursery of Chilino seamen. The two islands of Juan Fernandez, so famous for having been once the habitation of the fabulous Crusoe and the real Selkirk, are at present uninhabited, and seem destined by nature to remain so. The largest, called Isla Tierra, from its being nearest the shore, was made the prison of the patriots by General Osorio when he resubdued Chili, from which they were relieved, after suffering two years' confinement, when Marco was defeated and taken at the battle of Chacabuco, and the patriots regained their

ascendency. The Government of Chili has always claimed the land of Magellan, but has as yet had no civilized population within it, nor exercised any other jurisdiction or influence over it than over the other neighboring tribes of savages.

There are few or none of the valleys of Chili from which there is a gentle communication into those adjoining. A high ridge or a mountain surrounds them all; and a cuesta, or a portezuela, more or less rugged and precipitous, and passable only for mules, is, in almost all cases, the only means by which the society of one valley carries on its intercourse with that of its vicinity. In some happier times, the industry of the inhabitants and the energies of the people may be directed by more liberal and enlarged views, when the present difficulties and restraints upon internal communication from valley to valley may be rendered so easy as more intimately to combine and develop the best feelings and greatest interest of the country. At present there are not more than three carriage roads in all Chili: one, which has been made at a considerable expense, over three or four very elevated ridges, from Santiago, the capital, a distance of nearly one hundred miles, to Valparaiso, the principal seaport on the Pacific. There is another road, passable for carriages, between the same cities, by the way of Melipilla, thirty or forty miles farther about, but, in some respects, a better road. This was the original route of communication between the capital and its port. From the city of Santiago to the city of Concepcion there are only two ridges to prevent the passage of carriages the whole way, a distance of four hundred and thirty-five miles. Except these, there is not another road on which a wheeled carriage can be travelled with safety out of the particular valley to which it belongs. The very clumsy ox-carts, which effect a great portion of the transportation between Santiago and Valparaiso, are a week or more in performing the journey. They carry from one ton to a ton and a half, and charge for it twenty-five dollars per load. Except these carts, all transportation beyond the valley is made on mules. The fare per mule load, which is four hundred pounds weight, from Santiago to Valparaiso, is one dollar and a half, and so in proportion in any other direction. This inconvenience and expense of inland transportation was much enhanced to the mine country under the colonial system, which exacted a duty on wheat and flour shipped coastwise from one province to another. Coquimbo drew from its southern neighbors a great portion of its bread, and was, therefore, under the necessity of getting its wheat from Aconcagua on mules, or of paying this duty on it by sea. This colonial regulation has, however, been abolished by an edict of the present Director, passed on the 29th May, 1818.

The numerous ridges by which the surface of Chili is broken present difficulties in the way of internal communication, but such as are nowhere insurmountable. The loose composition of those ridges is such that roads may be shaped along their

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sides with comparatively little labor; and, when made, such is the temperate regularity of the seasons, that, with few repairs, they may be preserved for ages. But the wide desert and the lofty Cordillera, by which Chili is enclosed and separated from the rest of the continent, present a barrier formed of a lifeless waste, or a range of mountains lifted in such rugged masses, and reared so far into the region of snows, that it is only practicable for mules by some few narrow passes, and during particular seasons of the year. The desert of Atacama may be said to commence in Chili, almost immediately after crossing the river Juncal, or Dry river, as it is sometimes called; thence to the river Salado, the northern boundary of the State, is a distance of fifty miles; thence to the town of Atacama, in the viceroyalty of Peru, is a distance of nearly three hundred miles, by the way of the coast, and the road passes wholly over a dry sandy plain, where the traveller meets no living thing either of the vegetable or animal kingdom; and, losing sight of every other guide, his way is often only to be directed by the bleached bones of mules which have perished in attempting to force a passage over that terrible waste. Instead of passing this dreary region, it is generally thought safer and better to climb the steep crags of the mountains, and take the road leading over the Andes, along their giddy precipices and narrow passes. Travellers and postriders sometimes cross the desert of Atacama along the lower and more level road, but few or no traders or carriers ever venture to pass that way; nor, it is presumed, would any military leader lightly be induced to encounter its difficulties for the purpose of carrying hostilities along that route into Chili. The desert of Atacama may, therefore, be considered as a great natural barrier, by which it is closed on that side against both commercial and hostile visitors.

The great elevated boundary of Chili, the principal Cordillera of the Andes, is passable only for mules from any part of the civilized settlements on one side to those of the other. The pass most frequented is that of Putaendo or Uspillata, leading from San Felipe to Mendoza, and is the one by which all travellers from Buenos Ayres to Santiago de Chili cross the Andes. On going out of Chili, after passing the village of Villa Nueva, on the river Aconcagua, about six miles above the city of San Felipe el Real, you ascend the valley of Putaendo, and begin almost immediately to climb the mountain; from Villa Nueva to the guardia or outpost of Chili, is a distance of thirty-eight miles; and thence it is thirty-two miles to the cumbre, or extreme ridge. The path winds along near the margin of the river Aconcagua, rising from elevation to elevation, by a zig-zag path, up rough ascents, that seem to be almost perpendicular; or passes along frightful precipices, from whose dizzy height the stream is seen below foaming and tumbling through rocks abrupt and sounding far, until at length, arriving at the source of the river which gushes from the foot of the highest ridge, by another laborious march you reach the bleak cumbre itself; whence, be-

low, on the west, are seen the fountain waters of the river Aconcagua, that, with headlong speed, are hastening to the Pacific; and on the east, at the foot of a long steep slope of naked clay, is seen one of the head branches of the Tanuyan, which, with a rapid current, but not with such impatient haste, is bearing off its waters to swell the great collection, made from among these snow-capped elevations, that is poured into the Rio Colorado, which glides over the great pampas into the South Atlantic ocean. From the cumbre to Uspillata, a distance of seventy miles, the path is extremely rugged, but not so precipitous as that on the western side. A large branch of the Rio Tunuyan is poured through the valley of Uspillata, which forms some level, the grass and shrubbery of which afford a little picking for the mules. On this stream the guardia or outpost of Buenos Ayres is planted. From Uspillata to Villavicencio is sixty miles; and, with the exception of two or three steep, narrow passes, the mule path is comparatively good. From the last eminence the boundless plain, stretching along the eastern foot of the Andes, presents itself like the ocean seen from a lofty promontory's top. Making an estimate of the width of the Andes along this mule path, as it mounts and descends the ridges, or winds around about them, from Villa Nueva, in Chili, to Villavicencio, in the province of Mendoza, the whole will be found to be about two hundred miles. The whole distance along this route, from Santiago de Chili to Mendoza, is three hundred miles, and common carriers usually perform the journey in seven or eight days.

The chief difficulty in passing the Cordilleras, by the way of Putaendo, seemed to arise from the want of food for the mules; the little they could gather from the shrubbery and herbage at night, when unladen and turned loose among the crags of the mountains, was scarcely sufficient to keep the creatures from famishing; yet the carriers never think of taking along any food to sustain them by the way. On each side of the cumbre there are four or five casuchas, or huts, built entirely of brick, and covered by an arch; they are about twelve feet square within, and the floor is elevated about eight feet from the ground. These casuchas are placed at short and convenient distances one from another, and are intended as places of refuge for those who may happen to be caught in a *temporal*, or one of the terrible snow storms of the Andes, like the similar buildings of the natives along the same path, of which there are the ruins of one or two remaining.

There is another pass over the Andes to the north of this, leading from the city of San Felipe el Real, in Chili, to San Juan, called the Patos. The distance through the mountains is greater, and the path much more rugged than that of Putaenda. It was through those two passes, of the Putaendo and Patos, that San Martin conducted the army which fought the battle of Chacabuco, took or destroyed all the royal army, captured Marco, its commander, and restored Chili to the patriot power. Farther to the north,

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the mountains are wider, and the passes leading from Copiapo, in Chili, in the direction toward Rioja, Tucuman, and Salta, are much longer than that of Putaendo, and as rugged. There is a pass to the southward of Santiago, which follows the Rio Maipu to its source, and thence crosses over to a branch of the Rio Mendoza, which is said to be much easier than that of Putaendo; and, still farther to the south, the Andes, are said to subside into such gentle slopes, that a good carriage road might be had the whole way from Chili to Mendoza; but the country is entirely in possession of the savages, who have hitherto refused to suffer their territory to be made a thoroughfare, or there is so little traffic and commercial intercourse leading in a southerly direction, that those passes have been as yet only explored, and are very little used.

The pass of Putaendo, the Patos, and most of the others, are utterly impracticable, even for mules, in the winter season, that is, from the middle of May until the 1st of October; but during that time they are continually passed on foot. Peons, or laborers of the country, are hired to carry the baggage of the traveller, made up in diminished packages, over the frozen and snowy region, which is about four or five days' journey in that manner. A Swedish officer, who was travelling for his own amusement, or the information of the King, his master, arrived at Santiago a short time before I left it, having crossed at the pass of Putaendo on the snow. He told me he did not think it so bad as many of the mountains of Sweden in the winter season; but that the people, being little accustomed to such passes, as there were few in the country, were ill provided, and very awkward in encountering their difficulties.

It is by the pass of Putaendo principally, and those of the north of it, that all inland trade between Chili and the provinces east of the Andes has hitherto been conducted.

During the colonial system this traffic was considerable, and for some time after the battle of Chacabuco they were almost the only routes of the foreign commerce of Chili. The manufactures of Europe, of England particularly, made their way into Chili by these paths. The matte, or yerba of Paraguay, so necessary a luxury to Chilianos, will, perhaps, long continue to be imported by these ways; and if the experiments now making should prove that tobacco cannot be raised in Chili in as great perfection as is expected, that is another article of which there will, perhaps, continue to be considerable importation over the Andes from Paraguay, Tucuman, and Salta. The citizens of Buenos Ayres have been declared to be naturalized citizens of Chili. Hence they import and export, in this way, almost all articles free of duty. Matte, when brought in by this route, is free of duty; when imported by sea, it pays four dollars per quintal. Tobacco is imported in the same way on similar terms. Specie, when exported from Chili by sea, pays nine per cent. duty; when sent over the Andes, it pays nothing; and if exported from Buenos Ayres, it pays six per cent. From Santiago to Buenos Ayres the

exchange is two per cent.; so that to remit specie from Santiago by the way of Buenos Ayres, there would be a saving of one per cent., supposing all duties and charges paid, and all other expenses equal. This intercourse along the paths of the Andes, so beneficial to Buenos Ayres, and disadvantageous to Chili, may subsist so long as their ruling chiefs shall find it convenient to do what either may ask of the other, right or wrong, or to act as two bodies animated by one soul; but it is obvious it cannot continue long under any circumstances which shall leave the Pacific ocean open to foreign intercourse, and the real interests of Chili to their fair and natural operation.

Mr. Irizarri has thought proper, in his communication, to confine himself to a mere list of the several cities, ports, and towns of Chili, without saying anything as to their population, commerce or other circumstances, which might be interesting to a foreign and friendly Government. I will endeavor to supply this omission as far as in my power. The city of Santiago, situated near the western foot of the Andes, and about a hundred miles from the seacoast, is the principal city of Chili; it contains a population of about forty thousand souls; it is the seat of Government, and, also, singular as it may seem, the seat of the custom-house, into which all foreign merchandise must be brought to be valued and assessed with the duties payable to the State. The cities of Coquimbo and Concepcion are not much inferior in size to Santiago, and, from the greater communication with foreigners, and their better means of information, the inhabitants are said to be, generally, more intelligent than those of Santiago. All the other towns of the State are similar in general character, differing only in size; as to which, however, it must be recollected, that the distinction between city and town is not always made with reference to the importance and population of the place, but more commonly in allusion to the organization of its corporation. Rancagua is a small town; but the patriot forces under the present Director having formerly made a bold stand there against the royalists, he has thought proper to issue an edict investing it with the name, honors, and privileges of a city. So, too, the little village of Casablanca, situated in the midst of a fine valley, held chiefly by mayorazgos, and, therefore, not cultivated as fully as it might be, was too distant and inconveniently situated to be held under the jurisdiction of Quillota, and, therefore, the present Director, by his edict, gave it the separate magistracy of a town. The inland towns of Chili are, perhaps, not worthy of attention in any other respect than as being the seats of manufacturers, or of so much intelligent population, and, consequently, political power and commercial capacity and wants. But the seaports are the doors by which we shall communicate with Chili, and are, therefore, more particularly interesting.

The northern seaport of Chili is Copiapo. It is situated immediately at the mouth of the river of the same name. The harbor affords good anchorage, is easy of access for vessels of any size, and is safe from the northerly and southerly

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winds. The country round Copiapo is the least productive of any in Chili; indeed, it may, in some respects, be considered as barren. It is visited chiefly for the metals which are extracted from the adjacent country. Coquimbo is farther to the south; it is seated a short distance above its harbor, which is a fine, capacious bay, easy of access; and when vessels are anchored in from six to ten fathoms, near the Tortugas rocks, they are not only protected from all winds, but likewise from the uneasy swell and roll of the sea. This is the chief port of the mine country; the richest copper mines are near it, and husbandry is in as good a state just above this city as in any part of Chili. Refreshments may be readily had there. Guasco, or Huasco, is a port about fifty miles south of Coquimbo, with good anchorage, and capable of receiving large ships, having from eighteen to twenty fathoms near the land. The small town of Guasco is about six miles to the southward of the river of the same name. The next port south of Guasco, and one which, on several accounts, is most interesting to citizens of the United States, as well for the honor which was there sustained by their flag, as for its conveniences of trade, is that of Valparaiso. A high brown promontory projects into the Pacific, forming a deep crescent, the concavity of which, opening to the north, forms the harbor. The entrance is immediate, easy, and safe; and ships of any size, or in any number, may ride at good anchorage in perfect safety against all winds but those coming directly from the north, when, if it blow a gale, the harbor is unsafe, and vessels must go to sea or be driven on shore. But such gales seldom happen. The trade-winds of the coast of Chili setting almost invariably from south to north throughout the year, there is a considerable swell usually setting in from the ocean, which might be very easily checked by piers from the projecting points of the harbor. Such a useful erection was once begun by an enterprising individual, but was stopped by the colonial Government, lest it might favor smuggling. Valparaiso contains about ten thousand inhabitants, in a town principally strewed round the beach, and in the gullies of the promontory by which the harbor is formed. In the suburb called the Almendral, or Almond Orchard, situated a little to the east of the usual landing place, there are a few small quintas; except which, there are no gardens or any cultivation near the town. Its supplies are almost altogether brought from the fertile and plentiful valley of Quillota, about thirty-six miles to the south, along a road over ridges which project into the Pacific. But the provisions derived from thence are so cheap, that, according to an account which an American captain showed me, he had made out to render to his owners, his crew of eleven men, including himself, were abundantly supplied with bread, meat, and fresh provisions of every kind, for more than six months, for three hundred and fifty-six dollars. Valparaiso is the principal port of importation into the country at present held by the patriots. It was fortified, under the colonial Gov-

ernment, against a maritime attack, and some new works were thrown up during the last year for a similar purpose, but they are not yet finished.

Talcaguana is the port and harbor of the city of Concepcion, on the north side of the river Biobio. It is one of the most capacious and finest bays on the coast of the Pacific ocean; quite easy of access for ships of any size; and, when in, there is good anchorage and safety against all weather. It is about six miles from the city, which stands immediately on the river Biobio. This harbor has never been fortified against a marine force; and it seems to be questionable whether it can be perfectly secured from an attack in that way. It is at present the rendezvous of the royal marine force acting against Chili. Six or eight miles to the south of the Biobio is the bay and harbor of St. Vicente, which is also secure against all winds. But this good harbor is too little noticed and valued, owing to its having so fine a bay and harbor as Talcaguana in its immediate neighborhood. The port and harbor of Valdivia is fine, capacious and safe. It is much celebrated in the history of Chili for having excited the cupidity of the predatory Dutch and English prowlers. But there is no extent of territory and civilized population round Valdivia, to give value to any intercourse with it at present; it is, therefore, rather estimated as the future seat of an extensive commerce than for its importance at this time. If I am not mistaken, the port of Arauco, spoken of by Mr. Irisarri, is that formerly held by the Spanish colonial authorities on the river Larampangue, whose mouth is opposite the island of Sta. Maria, and to the south of the Biobio; if so, it is now entirely within the acknowledged territory of the Araucanian Indians. Nor have I been able to learn where the port of El Gobernador, of which he speaks, is situated, unless it be at the mouth of the river Tucapel Viejo, where Governor Valdivia was killed by the Indians, which is between the islands of Mocha and Santa Maria. Besides Valdivia, there are the harbors of Imperiale, at the mouth of the river Cuctan, the Estero Maulin, Calbuco, and others within the Araucanian territory, which will be more known, used, and valued, when the progress of the civilized population of Chili shall either expel or incorporate the Indians of that country. Of the various rivers of Chili, there are none which are navigable except for small vessels, and a short distance into the country.

Mr. Irisarri, in his communication, sets down the population of the State according to a census made a few years since, during the first period of the Patriotic Government, at one million two hundred thousand, and makes an allusion to some supposed inaccuracies, the nature of which he has not explained. I am induced, however, to believe that the census was substantially correct, from the general understanding and belief in the country, from the number of towns, and the apparent numbers inhabiting the several valleys; and, also, because Chili not being at that time at all connected with any other province, there could be no motive for underrating its population, or of misrepresenting its strength in any way, or for any purpose

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whatever. All the civilized or Spanish population, except the small parcels of Valdivia and the islands, is situated altogether north of the river Biobio; and if, from this portion of Chili, is deducted all that dry unproductive district to the north of the river Juncal, which, except a few vacuna hunters, has not an inhabitant upon it, then it will appear that nearly the whole of this population of one million two hundred thousand is seated on perhaps less than two-thirds of that extent of territory which is generally understood to be comprehended under the name of Chili. The entire length of the State, from the straits of Chacao to the river Salado, may be estimated at about nine hundred miles; and from the brow of the Andes to the shore of the Pacific, it cannot be fairly estimated at more than one hundred and forty miles in width, on an average. This, then, would give an extent of one hundred and twenty-six thousand square miles altogether; only about eighty of which are occupied by the civilized Chilinos of European or mixed descent. On comparing this country with some portions of our own, it will be found to contain nearly as many inhabitants to the square mile. The States of Maryland and Virginia, including the District of Columbia, together, contain seventy-four thousand nine hundred square miles, and the sum total of their population, according to the last census, was one million three hundred and seventy-nine thousand one hundred and ninety souls. If we recollect the mountainous surface of Chili, and that there are few or no inhabitants on the mountain sides, it will appear evident that its population is very much condensed in its several valleys. Of the whole of this civilized population there is, at present, no more than about two-thirds of it, or eight hundred thousand, at this time, actually under the government of the Patriot authorities. The royalists have possession of Penco, with a considerable extent round the city of Concepcion, which is well fortified on the land side, and is their stronghold; they have Valdivia and the archipelago of Chiloe also, whence they have drawn a few recruits for their army, and some other resources.

Immediately after it had been determined that a partial independence, at least, should be carried into effect, the patriot or ruling authorities of Chili, in the year 1811, passed a law entitled "An act for opening and encouraging commerce and navigation." This law declared the ports open to all friendly and neutral nations, and specified Talcahuana, Valparaiso, and Coquimbo, as the greater or proper ports of entry for all foreign merchandise; and went on to regulate the commerce and navigation of Chili in various particulars, and prescribed a tariff of duties. This legislative act, with some few alterations, contains the tariff and regulations by which foreign commerce is at present governed. I procured the manuscript copy which accompanies this, marked as exhibit F, by which you may ascertain specifically and in detail what are the existing commercial regulations in all material points therein specified. But as there are some matters which

would not appear, or be readily understood, merely from reading it, I shall, therefore, give an explanation of the duties, charges, and embarrassments to which our trade with Chili is at this time actually subjected.

The duty called *almoxarifazgo* is one which has been levied and collected in Spanish America ever since its settlement. It is levied on everything imported into or exported out of the country, but is more generally and properly the name given to import duties. It has, from time to time, been raised and lowered, and varied with the various articles on which it has been laid; but the *almoxarifazgo* duty of Chili, at this time, is twenty-two per cent. on all imports. The *alcavala* is an excise paid on all articles sold. This is also a very ancient Spanish form of taxation, and is an excise, the origin of which, in America, is coeval with its settlement. All foreign merchandise imported is subjected to this *alcavala*, and, at present, its amount is ten per cent. When a vessel arrives at her destined port in Chili, her cargo must be landed and placed in the warehouse of the Government, until the amount of duties is adjusted and paid, or secured. To prevent smuggling, and also that the importer may not be imposed on, the Government undertakes, as it says, this operation of landing and storing; and, that it may be paid for this trouble, it imposes another duty, called *subvencion* or help, for this its assistance given to the importer, of one and a half per cent. The custom-house officers, and other agents of the Government employed in collecting the customs, are allowed no fees, to insure their integrity and vigilance; however, in order to raise a fund to pay them a salary, there is an additional half per cent. duty imposed for that purpose, called the *impuesta de averia por el estado*. The court of justice called the *consulado* is a tribunal that was erected for the use of merchants particularly. None of the members or officers of this court are allowed by law to receive any fees; but, as they labored for merchants, it seemed fair that commerce should be taxed to raise for them a reasonable compensation; therefore, there is another tax of one-half per cent. laid and collected for this purpose, called the *impuesta de averia por el consulado*.

These several ad valorem duties are laid on according to a valuation of the goods at the market price in Santiago, when they arrive there; the sum total of them makes what is called the regular legal amount of single duties on all imports; that is, thirty-four and one-half per cent. When double duties are imposed, which is the case on liquors, ironmongery, claret in casks, Windsor chairs, ladies' silk and morocco shoes of French fabric, and some other articles, all these duties are doubled, except the *subvencion*, by which the sum total of duty on such articles is raised to fifty-seven and one-half per cent. But tobacco, snuff, arms, and ammunition, are to be sold only to the Government, unless by special permission. This rule, however, has been much relaxed of late.

Such is the law; now for the practice. The

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custom-house is in the city of Santiago, a distance from Valparaiso, the nearest seaport, of ninety or one hundred miles. The mere underlings and the guard only are situated at the ports; consequently all authoritative communications, permits, and the like, can only be had from Santiago, where the whole cargo must be sent and deposited, before any of its packages can be opened or exposed to sale, with the exception of some few heavy articles, such as iron, &c.—Notwithstanding what is paid for subvencion for the State, and for the Consulate, the importer finds himself under the necessity of hiring assistants, of feeing the officers and the consulate, or, in fact, bribing them, or his business stands still. I shall give the example of an American ship, the cargo of which was valued at \$197,000; but, as regards the following fees and charges, they do not materially vary with the value of the cargo; they are paid in the lump, and must be incurred to have the cargo, great or small, placed in the stores for sale. The first charge is for inspectors, porters, boatmen, storage, &c., \$155; that is for subvencion, which the Government, by that phrase, had intimated was not to be paid by the individual. The next is for despatching mules, carts, and permits for the goods, \$200. Another is for transporting the goods to the custom-house in Santiago, and thence into the stores in the same city for sale, \$814; these two last items of expense are incurred merely from the custom-house being planted at the foot of the Andes, instead of being near the wharf; for some of these very goods were sent back and exposed to sale in Valparaiso. And, finally, the expense of petitions and expresses, \$26; fees to the officers of the consulado, to whose use a per centage had been paid for rendering their services to the merchant gratis. These charges amount to \$1,195, and no more than what is usual, in addition to the delay, vexation, and trouble of the merchant.

The export duties are similar in their nature. On tin there is paid a *derechos de salido*, or an export duty of three per cent., and the subvencion, the *averia por el estado*, and the *averia por el consulado*; making a sum total of five and a half per cent. on the standing Government valuation of ten dollars per quintal. On copper, the sum total of duty is thus divided: the *derechos de salido* three per cent., *alcavala* six per cent., subvencion, *averia por el estado*, *averia por el consulado*, and two rials per quintal. These are all paid into the *aduana* or custom-house. The *ventado*, or inspection, five per cent.; and one rial per quintal to be paid into the Treasury, or *caxas del estado*. These *ad valorem* duties are levied on the market price of the copper, and amount to sixteen per cent. and three rials, or thirty-seven and a half cents per quintal besides. On wheat, hides, tallow, &c., the growth of the country, exported in foreign bottoms, (and there are as yet but one or two others,) the duties are as follows: *almoxarifazgo*, one and a half per cent., *alcavala* four per cent., subvencion three-fourths per cent., *averia por el estado*

one-quarter per cent., usually making the estimate of duty on the most reduced market prices; on which articles the total amount of export duty is thus made up to seven per cent. The law allows the merchant to bond for the payment of the duties in three months, which indulgence the Government frequently extends to six, and even nine months. The exportation of gold and silver bullion is absolutely prohibited; and coin, on being exported by sea, is subjected to a duty of nine per cent.

In reply to my inquiry, what was the amount of the revenue of Chili, the sources whence it was derived, and the objects on which it was expended, Mr. Irisarri has thought proper merely to furnish a copy of some of the treasury accounts of the last year. This might, perhaps, be deemed the most concise, accurate, and perspicuous mode of answering a citizen of Spanish America, but not a foreigner. Therefore, as these accounts may in the United States be considered as obscure, I shall take a review of them, and make such observations as appear to be necessary in order clearly to understand their nature, and what are the sources of the revenue of the State, and the objects on which it is expended.

The papers annexed to Mr. Irisarri's communication, marked as Nos. 4 and 5, are two treasury accounts of receipts and expenditures of revenue. The first of these papers furnishes exemplifications of everything relative to the present revenue of Chili. I shall, therefore, notice each of its several items. The whole receipts of the treasury, according to this account, are comprehended under nineteen distinct items. The first is the amount of the common internal revenue; the fourth is the duty on tobacco. The eleventh, twelfth, and fifteenth, are duties on flour, liquor, quicksilver, gunpowder, stamped paper, hides, and other articles, all of which are principally collected in the shape of an *alcavala*. The second and fourth, derived from mining and coining, have been already explained. The third is the amount of the customs or duties, or the exports and imports of the country, laid and collected, as has also been explained. The sixth is the proceeds of papal bulls and indulgences, or dispensations from crimes, sins, and observances of the church; they are of two classes; bulls for the living, and bulls for the dead. By the first may be obtained absolution from crime, from sin, or the party be indulged in eating eggs and milk, or even flesh meat, during fast days and lent. This is a greater relief than might at first be imagined. Near the bay of San Antonio I was shown a species of seaweed of which the faithful peasant made a porridge when neither the bull nor fish could be had. The bull for the dead is purchased by the relations of the deceased on his behalf, and is a means whereby the pains of purgatory may be lessened and shortened. These bulls are small pieces of printed paper, intimating, in substance, what extent of indulgence the pious holder may ask for; and, after having been duly and regularly sanctified in the church, they are put into

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the shops, and sold as a sort of stamped paper. And it would also seem, from this item of the treasury account, that contributions are still, in the most distant regions of the earth, levied on the faithful to raise a crusade for the relief of the Holy Land, and for the redemption of those made captive in so glorious and pious an enterprise.

The seventh item was the amount of what were called the monthly contributions, which, in a note, Mr. Irisarri says have been abolished, without telling us what has been substituted in their place. On looking among the edicts issued by the present Patriot Government, however, I found that which furnished the explanation. By this edict, dated on the 9th of December, 1817, after reciting that the burdens of the State ought to be equally and proportionably borne; that large landed estates were held in absolute proprietorship by all the religious institutions; that almost all the great landholders had, in one way or other, charged their estates with the render of some rent, corrody, or benefit to one or other of the religious institutions; that such institutions also held a considerable amount of censos or money at interest; and that merchants, who might not have any lands or tangible property, were yet, commonly, wealthy in floating capital, it enacts and declares that all lands and other property, whether held by the church or individuals, shall be taxed one per cent. per annum, a quarter of which shall be paid by the religious institutions in whose favor the land was charged, or the mortgagee, to be adjusted proportionably, according to an actual valuation which shall be made; and that merchants shall also be taxed one per cent. on what shall appear, on investigation, to be the actual amount of their capital. What will be the amount of the proceeds of this tax it is impossible to say, as the first year's collection of it had not been brought into the treasury. It is, however, I believe, the first direct internal land and property tax ever attempted to be levied in Spanish America, and the first tax that ever has been laid on the property of the church in the Spanish settlements; and I am inclined to believe that it will prove to be more fruitful in revenue, and in its consequences, than any tax ever laid in Chili. The eighth source of income set down is that of the tithes. By adverting to the paper No. 2, attached to Mr. Secretary Irisarri's communication, it will be perceived that he has given an average of the product of the tithes of all Chili, under the old regime, when the State had not been wasted or disturbed by war, at two hundred and sixteen thousand eight hundred and eleven dollars. This is stated to have been the annual amount paid into the treasury; but of the entire product, a small part of what is actually collected (but what proportion I could not learn even from the Secretary himself) is paid to the clergy. It has always been usual in Chili to farm out the collection of the tithes, sometimes to favorites, at a considerable sacrifice to the State. During the last year, the tithes of the valley of Coquimbo, which were estimated and said to have actually pro-

duced twenty-four thousand dollars, were farmed out to a collector for sixteen thousand. The ninth article is the amount of the voluntary contributions. This is an evidence of the patriotic spirit of the people; and, on looking over the names, most of which had been published, I find the ladies of Chili as distinguished for their patriotic liberality as their countrymen. The tenth item is made up principally of fines and confiscations imposed on godos or Tories and their property. It is inevitable and fair that those whose principles have induced the contest should abide the loss; but I am very sorry to be obliged to say that no inconsiderable portion of this amount is derived from fines and the sequestered property of real patriots, who do not happen to belong to the present reigning faction, but who are, perhaps, still more inimical to the royalists and godos than those in power. It would seem, however, that such is the indiscreet eagerness with which property is seized, under the pretext of disaffection, or such the liberality of the ruling authorities, that a great part of what is seized is restored. The thirteenth item is a toll collected for the repairs of the pass of Putaendo over the Andes. This toll was gathered under the colonial Government, and is continued since; but, except the casuchas, there appears to have been very little applied to the improvement of the road. The fourteenth article is the proceeds of the estates of the Jesuits. When the King of Spain expelled that religious order from his dominions, its estates were taken into the hands of Government as regal property; and the amount here set down is the proceeds of those estates lying within the reach of the present patriot rulers. The sixteenth item is the proceeds of a duty imposed on all goods required to be weighed by the Government. The seventeenth is the amount of a prize captured by the brig Eagle, a Government vessel. The eighteenth is the amount of property the owner of which is unknown, or the right to which is contested. The Government, therefore, holds and uses it as revenue, until the true owner is discovered, or the right settled. The nineteenth and last source of revenue specified is that derived from a discount on the salaries of civil officers. These are the several sources of revenue, and the amount of each, derived from so much of Chili as is subject to the present patriot authorities.

The same paper will show the various ways in which the receipts of the treasury have been expended. Of the twenty articles of expenditure, it sufficiently appears, from the face of them, that the first, second, third, fourth, seventh, twelfth, thirteenth, and fourteenth have been incurred to carry on the present war for independence and freedom. The fifth item of expense is what may, in some respects, be deemed a distribution of a small portion of the first-fruits of Chili, after the battle of Chacabuco. This sum of new coin, as appears by a report to the delegated Supreme Director, dated on the 1st of July, 1817, was thus disposed of: one thousand dollars were given to his Excellency the Supreme

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Director of Buenos Ayres, Don J. M. Pueyrredon; one thousand to General Belgrano, commander of the Buenos Ayres army of Peru; one thousand to the Supreme Director of Chili, Don B. O'Higgins, to be distributed among the officers of the army of the south then under his command, near Concepcion; and the other thousand to the Commander-in-chief, General San Martin, to be, in like manner, distributed among the officers of the army in Santiago under his command. The sixth is the amount of debts paid which were contracted in the first epoch of the Patriot Government. The eighth is the aggregate amount of pensions and annuities charged upon and payable out of the treasury. A part of these were granted during the Government of the Viceroyalty. The ninth is the amount of property which had been sequestered, but, not being confiscated, was therefore restored. The tenth is the amount of the civil list. The eleventh and seventeenth are two items showing the amount of the rents or annuities and pensions with which the Jesuits' property was charged. The twelfth item is the amount of expenses incident to the Treasury Department. The fifteenth specifies the gross amount of the expenses of the armory in Santiago. The eighteenth is the salaries of the superintendents of the mines.

The nineteenth item is for defraying the expense of completing the valuable work or canal of Maipu. I have before described the vast importance of water to the valleys of Chili south of the Maule; some of which cannot be watered at all by any artificial means, others have not an abundant supply, and in none is the water so carefully and judiciously distributed as it ought to be. One of the most valuable and interesting of the remaining monuments of Indian ingenuity and improvement in that country, is the Salto del Agua, about five miles to the northeast of the city of Santiago, where a great part of the river Mapocho, on which the city stands, is brought, by means of a canal, through a gap in the ridge, which terminates at and immediately overlooks the city. From this gap, standing on the margin of the Indian canal, and nearly on a level with the valley behind, you have under your view a part of the city, and the fairest portion of the valley of Santiago. The water, on passing the gap, is, one part of it, made to wind along the mountain side to the north, another to pass along to the south, and the surplus is suffered to leap immediately down its steep side, from eight hundred to a thousand feet almost perpendicular, whence the work takes its name of the Leap of the Water. The water of the southern canal turns a grist-mill on its way down; and all, after reaching the plain, is poured over it in many directions, so as to irrigate the various vineyards, quintas, gardens, and farms, which are thus rendered astonishingly fruitful. The Spaniards say that the Salto del Agua remains now as the savages left it more than two centuries and a half ago, without any alteration, and with little repairs. The river Mapocho, a part of whose waters had been thus turned in so useful a direction by the Indians, after

passing the city of Santiago, crosses the valley in an easterly direction; then, pursuing its course south along the foot of the opposite ridge, sinks under it, and, rising again near Francisco del Monte, hurries into the Maipu, which it finds above Melipilla, after that river had taken leave of the principal Cordillera, about twenty miles south of Santiago, and made its way directly east over the valley. Between these two rivers, on a dry swell of the plain, about ten miles southeast from Santiago, the famous battle of Maipu was fought. And this portion of the plains lay so high, for many thousand of acres in extent, that it could not be watered from the small canals of the Mapocho, and, therefore, was only used as pasture ground. It is intended, by the work of Maipu, to bring the waters of that river along the foot of the mountain in a canal, terminating at the Mapocho above the city of Santiago, so as to water and render fit for cultivation all these plains, which, anciently as well as lately, have been so celebrated. Such are the works of a people, whether of aboriginal or of foreign descent, who really own a country, and govern and manage it for themselves. The nature of the two last items of expenditure in this account needs no explanation.

Among the official printed accounts of the state of the treasury, which have been sometimes published monthly, from which Mr. Irisarri appears to have copied his No 4, and made up his succeeding No. 5, I find the official treasury account up to the last of February, 1818, and, by adding its gross amount to that of Mr. Irisarri's No. 4, it will give the amount of the first year's receipts and expenditures of the Patriotic Government, reckoning from the battle of Chacabuco, which was fought on the 12th day of February, 1817; according to which it appears that the whole amount of revenue received amounts to two million one hundred and seventy-seven thousand nine hundred and sixty-seven dollars, and the total amount of expenditures, in the same time, has been two million one hundred and nineteen thousand five hundred and ninety-five dollars, leaving a balance in the treasury of fifty-eight thousand three hundred and seventy-two dollars. This exhibits a view of one year of the war establishment of Chili. To see what would be the state of its finances in peace, according to this same account, we have only to deduct the net amount of the confiscations, the proceeds of the prize, and the sum raised to purchase arms, which, together, amount to one million and ninety-nine thousand six hundred and twenty-four dollars, from the receipts of the year, and we shall have one million and seventy-eight thousand three hundred and forty-three dollars, the receipts of the treasury from what appears to be the product of the ordinary system of peace taxation. And if we then, in like manner, deduct from the gross amount of expenditure all those items which have been manifestly occasioned by the present war, it will appear that the peace establishment would cost no more, according to the present system, than four hundred and seven thousand two hundred and thirty dollars, which deducted from

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the peace receipts, would leave a balance in the treasury of six hundred and seventy-one thousand one hundred and thirteen dollars. This calculation ought not, I should conceive, to be at all affected by what is said in the Treasurer's note to No. 5, because he speaks of charges that will evidently be included in the following year's account. According to these views, it would appear, then, that the abilities of Chili to defray the expense of its own Government, and to sustain the extraordinary expenditures of a war of defence, are not only very abundant, but that its usual ordinary resources, in time of peace, would be amply sufficient for all the purposes of roads, canals, and other public works, so valuable in all countries, and which would be to Chili of the most incalculable benefit.

But it would seem that these formal accounts of the state of the treasury, from time to time published for the information of the people, are not altogether so correct as they should be; that the abilities of Chili have, probably been strained much beyond what is here represented; and that there have been dispositions of its treasure to a considerable amount over and above those set down. In a communication I had with Mr. Irisarri, on the 1st of July last, he assured me that the revenue of Chili had, during the last year, yielded four millions of dollars; and in the written communication now before us, he says that there are not comprehended in the official account some receipts of much importance, which, by their uncertain nature, ought not to be included in it. In addition to these declarations of the Secretary of State, it seemed to be the current opinion and belief that the last year's revenue had yielded about four millions of dollars. Chili, it was said, was much exhausted, and there had been a clamor that its revenue had been grossly misapplied, which clamor, it was said, caused the resignation of one of the secretaries. It would seem, then, that since the battle of Chacabuco, a sum not far short of two millions of dollars has been gathered up in some way or other, (in what manner I could not learn,) and either lies dead in the country, or has been sent out of it. It could not have gone out by fair commerce; because an exportation of riches in that way would, instead of exhausting the people and causing them to complain, have benefited them much. But I need make no further observations; the facts and circumstances are before you.

Mr. Irisarri has given a statement of what, he says, are the numbers of the veteran forces of Chili, and nothing more. It is of importance, however, that the nature and composition of this veteran force should be understood. Under the first government of the patriots, many who had offended the reigning party, which was at times the Carreras, and at other times the Larraíns, with O'Higgins at their head, were banished to the other side of the mountains; and in consequence of these internal divisions, in a great measure, a principal portion of the patriot forces of Chili, under the command of the present Director which had made a stand at the town of

Rancagua, were there attacked and defeated by the royalists on the 2d day of October, 1814, after which the remnant of the patriotic forces, with all who could, and deemed it prudent, fled in every direction over the Andes. This defeat of Rancagua closed what is called the first epoch of the Patriot Government. The Chilian refugees and exiles of all parties rendezvoused at Mendoza. General San Martin, who was then there, made common cause with O'Higgins and the Larraín faction, and undertook to reorganize an army from these motley and shattered materials. He procured arms and a reinforcement of about two thousand free negroes from Buenos Ayres. O'Higgins was made brigadier general; but almost all the other officers of the army were either citizens of Buenos Ayres, or commissioned and appointed from thence. There was no Chiliano officer in it higher than a captain, except O'Higgins. This army, thus composed, amounting in number to about four thousand, was led over the Andes by General San Martin, through the passes of Putaendo and Patos. With some skirmishing in the pass of Putaendo, but without any material loss, the whole arrived safely in the valley of Aconcagua, near the city of San Felipe, and pushing forward toward Santiago, it was met by the royal army under the command of Marco, at the foot of the cuesta which enters into the valley of Chacabuco. A battle ensued on the 12th of February, 1816; Marco was captured, and his whole army cut to pieces or made prisoners. Thus the patriots regained Chili. O'Higgins was made Supreme Director, as he says in his manifesto, by the voice of the capital and the State; but every one will perceive that this army, at least, had its influence in the appointment.

This army has been occasionally divided and united; its parts have been distinguished by various names; it has sustained many losses and been often recruited; but it has received no aid from abroad, it has been supported, wasted, and strengthened, altogether in Chili; it is now called "the united army of the Andes." As it fell back on the approach of the royal army under the command of Osorio, it was said to have sat down at Cancharayda nine thousand five hundred strong. It may have then consisted of that number; but on the night of the 19th March last it was attacked by the royal army, panic struck, and almost totally dispersed. It rallied again in the valley of Santiago. The royal army under Osorio came up, the troops of which were composed principally of veterans from Spain, that had been transported by the way of Cape Horn to Lima, and thence to Concepcion; and, with some Chilotes and other auxiliaries of the country, was about five thousand strong. The rallied patriot army could not have exceeded, according to any account, six thousand men, almost all raw troops or militia, except the Buenos Ayres negroes. The royalists had a decided advantage of ground, and twelve pieces of artillery more than the patriots. In this situation, the two armies met about ten miles to the southeast of the city of Santiago, on the plains of Maipu; and early on the morning of the 5th of

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April last a most desperate conflict commenced. The royalists charged fiercely; the negro troops flinched; but the Chilianos, the militia no less than the rest, animated by one invincible fervor of patriotism, with shouts of "Viva la Patria," carried all before them, sword in hand, or at the point of the bayonet. The field was literally strewn with heaps of slain. The combat continued with various fortunes until late in the afternoon. It is said that, for the numbers engaged, there never was a more obstinately contested combat or a more bloody battle fought in any part of the world. Of the royal army, the half were found dead or wounded on the field, and all the rest made prisoners. The loss sustained by the patriot army is estimated at about fifteen hundred. The victory of Maipu has completely confirmed the independence of Chili. Since the battle, many of the troops who had fled from Cancharayda have been rallied, and there have been also many recruits enlisted. Yet, after making all allowances, I could not find among the citizens that any one estimated the army at more than six thousand strong on the 1st of July last. But it may, as Mr. Irisarri states, amount to eight thousand four hundred. Of the officers of the army, there are at present but two Chilianos in it above the rank of captain; the one is the present Director, who is a brigadier general under General San Martin, and the other is Colonel Raymon Freyre, a native of Santiago, about twenty-three years of age, but confessedly one of the most distinguished officers in the patriotic service; he is as modest and unassuming as he is intrepid, and is said to be firmly devoted to the establishment of the liberties, as well as to the independence of his country. A part of the united army of the Andes is now in the province of Concepcion, near the enemy, and another part, including the Buenos Ayres negroes, is in Santiago, as a guard to the capital and the palace.

With respect to the militia, the estimate given by Mr. Irisarri is of so much of the country as is at present in the power of the patriots. I did not, however, understand that they had been completely officered or organized. As to arms, they have few or none; and I question whether the Government has arms for them over and above those necessary for the regular troops. There are, however, a great many arms in the country, belonging to merchants, for sale; and the people are, either by purchasing arms for themselves, or by being occasionally exercised in the militia, improving very rapidly in the knowledge and use of arms.

The marine of Chili is made up of those vessels specified in the paper No. 7, attached to Mr. Irisarri's communication. They have been lately purchased, and are altogether officered and manned by foreign seamen, chiefly Americans and English. The brig *Aquila*, of eighteen guns, has performed some service; she was purchased soon after the battle of Chacabuco. The brig *Buenos* is of not much value.

Just previous to the battle of Maipu the English ship *Windham*, carrying fifty-two guns, then

lying in the harbor of Valparaiso, bound on a trading voyage to Botany Bay and India, was purchased by sundry persons, principally Americans and English, in partnership with the Government, and commissioned as a Chilino cruiser, under the name of the *Lautaro*. She made one short cruise, in which she had a combat with the two Spanish ships *Esmeralda* and *Pezuela*. About the latter end of June last, she was purchased by the Government entirely of the individual owners. Since then she has not been completely manned. The *Coquimbo* was a privateer ready for sea in the beginning of July last, and in that situation purchased by the Government. As to the two ships, *San Martin* and *Chacabuco*, spoken of in this paper, General San Martin had a considerable sum of money sent over to Buenos Ayres, where he employed Mr. Aguirre and Mr. Gomez, two gentlemen of that city, and placing the funds of Chili in their hands, with a commission from it for Aguirre, sent them to the United States as agents to contract for the building of two vessels of war; where they arrived and contracted for the building of them in the city of New York. Since then further sums have been remitted from Chili, through Buenos Ayres, to Messrs. Aguirre and Gomez, to meet the expenses of completely fitting out these ships, which were to be called *San Martin* and *Chacabuco*. They had not arrived when I left Valparaiso. As to the privateers of Chili, it has not been long since they commenced their career; some, it is said, have been successful. A copy of the rules and regulations by which they are to be governed was handed to me by Mr. Irisarri, and accompanies this, marked as exhibit A. I did not hear that any acts or conduct contrary to the usual practices and the laws of nations in such cases had been imputed to any of these vessels.

It would not, perhaps, be correct to consider either the exports and imports of Chili, during its subjection to the late colonial system, any more than what it has received and sent abroad during the present revolutionary epoch, as an accurate criterion by which alone to ascertain the annual value of its commerce, when the whole country shall be united and settled in a state of peace under one and the same Government. But a knowledge of existing facts and circumstances, taken in connexion one with another, will enable us to form some opinions approaching the truth as to what its real capacity now is, and may be in future.

Considering the precious metals, in bullion and in coin, over and above what is necessary to carry on the exchange of the country, as among the articles of its exports, the following is a list of the chief of them at present: gold, silver, copper, tin, wheat, flour, hemp, cordage, hides, tallow, jerked beef, vacuna, guanaco, and chinchilla skins, and several kinds of dried fruit, figs, raisins, &c.

Since the opening of the ports of so much of Chili in February, 1817, as the patriots obtained possession of, there have arrived twenty-four American vessels, principally ships of two hun-

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dred tons and upwards. Of these, four were whale ships, and four other ships engaged in the sandal wood and northwest coast trade; these ships called, obtained refreshments, and had some little trade. The other sixteen brought cargoes for the Chili market, consisting of arms, ammunition, naval stores, tobacco, iron, furniture, iron hollow-ware, British dry goods and crockery, India goods, French goods, and jewelry; which have been, at a reasonable estimate, supposed to be worth one million three hundred and eighty-five thousand dollars. And, during the same period of time, there arrived twenty British vessels, one on a whaling voyage, and one bound to the northwest coast, and eighteen with cargoes, either from the river Plata, with articles collected there, as yerba, tobacco, &c., or from Europe, but chiefly with British goods. The total amount of their cargoes has been pretty fairly estimated at about one million eight hundred and thirty-five thousand dollars. Many of these vessels, as well as Americans as British, had left Chili in July last; others still remained there; and it was estimated that neither the Americans nor English had, at that time, collected much more than half the returns for the imports. Besides these, there had arrived, in the same time, two Russian ships, one Swedish, one French, and one merchantman from Buenos Ayres in ballast, which was sold there and fitted out as a privateer. The British have, it is said, for a long time had a ship of war on the coast of Chili for the protection of their trade. The British frigate *Amphion* left Valparaiso in February last; and in May the sloop of war *Blossom*, and soon after her the frigate *Andromache*, arrived on the coast. The *Blossom* had sailed to Columbia river, and the *Andromache* was at Lima on the 15th of July last.

The whole amount of imports into that portion of Chili held by the patriots during the last year, as well over the Andes as by sea, has been estimated at little short of four millions of dollars; of which, two millions, it is believed, have come from England, one from the United States, and one from Buenos Ayres; while, during the same period of time, it is supposed there has not been exported from the country, including specie, more than about two millions; which, at present, leaves an apparent balance against it of half the whole amount of its imports. This is owing to two causes: in the first place, according to the colonial system and course of trade, which is continued, with few alterations, merchandise imported was never sold, so as, within the last year, to place the returns in the hands of the importer, because, if he was a foreigner, as has uniformly been the case latterly, he was not, nor is he now, allowed to retail them himself; or, as the law has defined what shall be considered retail, by reference to a mule load, to sell any package, two of which are equal to a mule load, or, in other words, to sell a package of less than two hundred pounds weight. And, according to the former custom of the country, no retailer would take more than what he immediately wanted. This precautionary and dilatory custom has increased

with the late precarious revolutionary times. The consequence has been, that as great an amount of goods has not been vended as might have been if the actual demands of the people had been gratified. The other cause is, that, in anticipation of the market, without a correct knowledge of the wants and taste of the people, a greater amount of some articles has been introduced than was, for the present, wanted; and a considerable amount of others has been imported, which are utterly unsaleable. Hence, in some respects, commerce has not yet completed its circuit; the goods are unsold, still lying in the hands of the foreign merchant; the country is not indebted for them; and, therefore, the balance of trade is not so much against Chili as would at first appear.

As regards foreign commerce, the market of Chili may be considered as being yet untried, unexplored, and but very imperfectly known. Many things are getting into use, and the demand for others increases as the people become better acquainted with their utility. There are some few articles of the growth or manufacture of the United States which have been found to answer, as saddlery, Windsor chairs, furniture, tobacco, and some others; of the European fabrics, those of France and Germany are greatly preferred. It has been remarked, that even the miserable *casuchas* of the *huasos* are beginning to exhibit some conveniences of foreign fabric, which, until the opening of the ports of their country, were unknown to them. Indeed, I presume it will be regarded as one of the inevitable consequences of the present revolution, that, as the comforts and conveniences of the mass of the people shall be substantially improved by it, their wants will be multiplied, and their capacity to pay for them proportionably augmented.

In estimating the powers of a State, we naturally look first at its physical qualities; the salubrity of its climate; the fertility of its soil; the means of intercourse by which one district may aid and supply another; the nature of its productions, and how its population is seated; whether crowded into a small space, or sparsely scattered over a great tract. These, and such circumstances, are necessary to be known, in order to form a just opinion of the capacities and energies of a people. I have, therefore, endeavored to present you with a clear view of all these matters as regards Chili. But the human institutions of a country, though not so indelible and unchangeable, are often no less powerful in their operation than those physical qualities. Superstition spreads over the social visage the sickly hue of pestilential vapors, and the hands of arbitrary drones disappoint the hopes of the harvest like the rust or a mildew. In a salubrious climate, amidst the abundance of agricultural pursuits, and with the advantage of a condensed population, if anywhere, it would seem that there life should have all its gayety, its delights, and its value; that there all the social ties should be most strongly felt, and that there human excellencies should be most fully developed; but a

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mayorazgo, a monk, and a regal superior, shall be permitted to walk hand in hand over this goodly scene, and they will gather up all its abundance, banish its festivities, and leave it like a barren but inhabited waste, a scene of beggary, of squalid raggedness, and filth; where the human creature, inspired by no motive, and lost to every sentiment of his own dignity and worth, shall value nothing so much as a long interval of repose; and a modern philosopher, unmindful of Christian feeling, shall look upon such creature, so circumstanced, and in a spirit of what, by some, might be deemed philosophical liberality, at once pronounce him utterly unfit for liberty. All human institutions which in their operations and consequences paralyze human industry, or waste and consume its fruits, are most serious evils. Their pernicious effects are always severely felt, and they never fail to abstract from the capacities of a nation, to enfeeble it more effectually than war, famine, or plague. All colonial establishments are ruinous to a colony, because they gather up the wealth of the country, regardless of the beneficial reciprocity of fair commerce, and send it abroad. An ecclesiastical establishment consumes the productions of a country within itself, yielding no return. It is like a rot in the earing of the corn. They are both of them political evils of a similar nature. The one Chili has banished forever; the other has been shaken and loosened, but it yet remains.

The church, in all the Spanish possessions in America, was well provided for; in Chili particularly so. There are said to be about ten thousand monks and nuns in the whole country; that is, of the class called regular clergy, in contradistinction to the seculars. The religious institutions, filled by these regular clergy, are said to hold, in one way or other, either in absolute proprietorship, or charged with the payment of annual sums or corrodies, or under mortgages, nearly one-third of the landed property of the State. The lands of the religious houses held in absolute proprietorship are usually rented by a person, who again underlets them to other tenants, who hire slaves and huasos or peasants, and cultivate them, as a sort of terre-tenants or stewards. Thus two sets of drones are supported from its profits—the monkish proprietors and the mesne tenants, neither of whom ever pay any other attention to the estate than to collect the rents when due. The effect upon agriculture and society of suffering a great portion of the land of a country to be held in mortmain is well understood, and in Chili it is quite obvious. In addition to the landed estates held by the religious institutions, they have what are called their censos, or money lent out on interest of five per cent. per annum, to the amount of ten millions of dollars; and besides their share of the tithes, which the State still permits them to draw, the clergy have the first-fruits or anatots, which yield to each curate between two and three hundred dollars per annum. When we contemplate this prodigious wealth of the church of Chili, compared with the revenues of the State, and recollect the searching

prevalency of pecuniary influence, we shall at once see the full force of the Spanish saying, that, in that country, "it is doubtful whether the State be in the Church, or the Church in the State."

The present patriot authorities, owing to the nature of revolution itself, to their prodigality, to their having too many hungry expectants about them, or to some other causes, are continually pressed for resources. They have repeatedly cast an eye upon the accommodations and the wealth of the church. They have solemnly asked the opinion of the holy fathers as to the propriety and policy of raising a considerable sum of money by the sale of bulls and indulgences; and were answered that neither right nor religion would forbid it. They have seized upon two large monasteries, turned out the monks to seek accommodation elsewhere among their brethren, and made barracks of the holy lodgings. They have taken the house of exercise, that is, the large edifice where the faithful used to resort to receive the pious instruction of the fathers, and to punish the body for the good of the soul, and converted it into an armory. They have tried and convicted monks and nuns of high treason, and sent them into banishment; and, some months ago, urged by their continual pecuniary necessities, they proposed merely to borrow the censos of the monasteries, and accordingly instituted an inquiry into their amount; and thus ascertained that, in the bishopric of Santiago, they rose to about six millions of dollars; and in the bishopric of Concepcion they were in amount about four millions. The church clamored prodigiously at this most unholy attempt to touch the support of religion. The State, however, made out to relieve itself from its exigencies in some other way, and for the present abstained from borrowing the ecclesiastical censos; but a fair and general tax has been laid on all church property.

The Spanish chiefs or viceroys under whose auspices Chili was conquered, made very extensive grants of its territory among their principal followers and favorites; or, actuated by the religious fervor of the times, they made settlements of whole valleys, or the most choice and extensive tracts, upon some religious houses, or for some pious purposes. The lands thus granted to the religious institutions being held in mortmain, were inalienable; and those large tracts granted to individuals were commonly entailed, and transmitted entire, as fettered inalienable inheritances, according to the principles of the Spanish law of primogeniture called mayorazgo. The expressions often used in an original grant, as descriptive of the tract conveyed, will give an idea of their extent. They were, that the grantor should have and hold all the tract within the waterfalls, from such a point to such another point. These expressions, not unfrequently, by thus calling for the circumjacent ridges as the confines, comprehended the greater part of a large valley; so that the mayorazgo might stand on his estate, and behold its outlines and boundaries, like an immense

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circumvallation thrown up by the hand of nature all around. The effects upon husbandry, commerce, and the state of society generally, of suffering these fettered inheritances to continue in any country, are well known. It is said that their effects have been extremely pernicious in Chili. The present Director has, however, put an end to them. By his edict of the 5th of June last, all mayorazgos are forever abolished and prohibited in future.

Before the revolution there never was a printing press in Chili; nor did any science reach it but what was carefully passed through the sieves and strainers of the holy inquisition of Madrid, or the no less holy inquisition of Lima. The taste for intellectual pleasures was everywhere suffocated or religiously restrained; and the charms and heresies of modern literature were permitted, in no shape, to lead the faithful Chilinos astray. The press, until within these few years, was a machine of as much entire novelty and curiosity to the people of that country as any other of the useful mechanical inventions of modern times; its powers and its value were unknown; and the earthly immortality which it bestows upon the labors of virtue and genius was a matter wholly beyond their conception. The press is, however, no more than the great instrument by which all human knowledge may be speedily and extensively diffused, and easily multiplied, renewed, and perpetuated. But it never has, nor can it be used as a machine to create a talent for discussion and investigation, or to arouse a people to an assertion of their rights, whose minds have not been previously impressed with a knowledge of letters, and also been imbued with a talent for discussion. The first revolutionary impulses, on such a people, like those made on the Romans in the time of the elder Brutus, or on the English at Runnimead, or on the Swiss in the days of Tell, or on the Spaniards who followed the fortunes of Padilla, must be from other causes and by other means than through the instrumentality of the press; and, perhaps, I should not be wrong in observing that the first and most successful revolutionary impulses in favor of liberty, in all ages and countries, have not been those made by that cool but potent instrument of reason, but by those animating strokes which, falling directly upon the heart, and on the sentiments and feelings of the bosom, arouse passions sufficiently strong to burst all bonds and to encounter all perils. Such is the impulse which has been given to Chili; and the Spaniards will long remember that, on the plains of Maipu at least, the sentiments and feelings of Chilinos were kindled to deeds of noble daring, far beyond all ordinary power of resistance. After a people have thus had their passions and sentiments completely unfettered, the influence of the press gently follows, as a reasoning friend, who diligently instructs the head and justifies the feelings of the heart. The press has, as yet, therefore, had little or no effect in Chili, nor is its operation likely to become immediately, and at once, extensive and powerful, under any circumstance in which it could

now be placed, owing to the previous habits and education of the present generation of the people.

The Christian religion, as has been justly observed, is, in all its various forms, essentially an intellectual mode of worship. All its different sects, more or less, inculcate the communion of mind with infinitely amiable and benevolent mind. Its fundamental principles, therefore, correctly understood, are exceedingly friendly to the cultivation of the intellect. But a contrast of the Catholic establishment in Chili, with the established church and toleration of our country, under its colonial system, will show how extremely different the effect and consequences of the same divine emanations may be, in proportion as they are mingled or effused with the sordid objects of Governments and of men. The rival sects in our country, as well as the church of the State, which was itself a deviation from the older establishment, made the cultivation of the mind and exercise of the intellect essentially necessary, as well for the pastor as for each of his flock. To set forth the correctness and the excellence of his creed, and to expose the errors of others, which he deemed it a solemn duty to instruct his followers to avoid, continually called on the preacher for an intellectual effort, and imposed on him a ceaseless task of reasoning.

The church was thus made to every hearer a school of polemical exercise, as well as a house of adoration and prayer. The colonist of our country thus had his mind imperceptibly enlarged and invigorated, his polemical skill continually improved, and his reasoning faculties sharpened and prepared for political as well as religious subjects. On the other hand, the established church of Chili tolerates no rival, suffers nothing like religious controversy, and is itself the congregated original, whose creed suggests no inquiry, nor challenges any investigation. The mind hears the dogma dictated which it is commanded to believe, without daring to doubt, or presuming to ask a question. Men are faithful but not rational believers: the rich and shining ceremonies of the church glitter before their senses; they yield reverence from habit; and their minds, overshadowed with a gloomy obeisance, rest content in a kind of irrational silence. The Catholic religion itself is better understood in our country; because its principles are discussed and explained, and much has been published in its vindication. But in Chili it is never controverted, seldom expounded, and stands in need of no vindication. It is upheld by power. The people comply with its ceremonies without presuming to question their meaning; and, consequently, the great mass of them understand little of the principles of the religion they profess. Hence, from this cause among others, in our country the first revolutionary blow aroused multitudes of the most adroit veterans in argument, whose reasoning powers attracted the admiration of the world. But the Chilino, with awakened feelings as keen and as strong, and animated by a courage as determined and invincible, is, as yet, a stranger to mental struggle and political controversy.

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Soon after the commencement of the revolution, in the year 1811, when the Carrera party was in power, a printing press was imported from New York, which was set up and managed by three citizens of the United States, who went with it, and a weekly newspaper was published called the *Aurora*, edited by Camilla Henriquez, now of Buenos Ayres. This was the first newspaper ever published in Chili. After the Carreras were put out, and the party now in power obtained the ascendancy, the paper was called *Arauco*, and was edited by Mr. Irisarri, the present Secretary of State. Since then there has been continually a newspaper published in Chili. But it has always been under the absolute control of the reigning party. Some one dared to say that the victory of Chacabuco had been gained chiefly by the brave efforts of the sons of Chili; and, by an edict of the present Director, of the 14th of March, 1817, the printer was commanded to give up the name of the author, that he might be punished as a libeller, who designed to excite jealousies in the minds of the Chilinos against the generous defenders of their liberties from Buenos Ayres. There are, at present, four weekly newspapers published in Santiago; none anywhere else in the State; the *Ministerial Gazette*, a Government paper, formally made such on the 2d day of May, 1818, and placed under the management of the Secretary of State, *El Argos*, *El Duende*, and *El Sol*, each issuing once a week; and all of which are printed at one and the same press, belonging to the Government, are understood to be edited by the clerks and officers of Government and are wholly subservient to the powers that be. There are two other printing presses in the country, which were carried there by citizens of the United States for sale, but they are not found to be saleable articles.

The present Director, on the 25th of June, 1818, issued an edict, exempting all newspapers and pamphlets from postage, and allowing all books to be imported free of duty. Thus, light may begin to break in. But there is a fellowship and a social principle in human rights which prompts each to cherish and sustain the other. Nothing can prevent the introduction of the representative system, for the hearts of the people are bent upon it; that will draw after it discussion; the press is the very chief instrument of investigation; and when a people begin, with that help, to think, to inquire, and to vote, their advancement must inevitably be very rapid, unless their country be distracted and devastated by foreign foes. Thanks to Heaven! there are few hereditary enemies to reform on this continent; none which surround Chili; and not many on the globe who have strength and length of arm to strike it; not one that can subdue it.

The greater part of the Europeans who settled in Chili are said, by some, to have emigrated from the southern provinces of Spain. But there is a tradition in the country, that, immediately after the barbarous wars conducted by the Duke of Alva in the Netherlands, many of the adherents of Philip II. of that country emigrated to

Chili. But, from whatever portion or province of Europe they have principally derived their descent, every stranger acquainted with other Spanish settlements in America at once remarks the fairness of the complexion of the Chilinos of unmingled European descent; blue eyes and fair hair are common. Perhaps a regular mountain climate has rather given prevalency, and cleared than darkened the fine complexion of the first European settlers. It is among this class that all the intelligence of the country is found, who are said to be in general much better acquainted with ancient than modern literature. And, as in every other Spanish settlement, all the most respectable land owners are residents of the cities, and do not dwell on their estates in the country.

When Chili was conquered, the natives who survived the war, and submitted to their invaders, had a portion of land allotted to them, which was called the Indian pueblo, or town; all the rest was parcelled out among the new comers. There was in almost every valley a pueblo of peaceful and submissive Indians; besides these, there were throughout the country many Indians held as slaves, whose descendants, held in slavery at this time, are said to amount to about fifty thousand. The mixture with those of the European race in and about the Indian towns is so general, and the population has been so blended and whitened in them, that, in the project of a constitution presented to the Congress of the first period of the Patriot Government, it was proposed to consider them as a portion of the people, entitled to all the privileges of citizens. The huasos, or peasantry of the country, are all of this mixed class; they are universally illiterate and indolent, but kind, docile, brave, and humane. Previous to the arrival of the Buenos Ayres negro auxiliaries, there were not, in all Chili, one thousand of the African race, bond and free. By a law passed during the first epoch of the Patriot Government, the children of all slaves born after that date were declared free from their birth. This law, suspended by the return of the royalists, has been since held to be in force. Upon the whole, it is universally admitted that the population of Chili has less of the African blackening, has a smaller proportion of slaves, and is altogether more homogeneous, than any other of all Spanish America.

But the order and arrangement of nature in Chili, according to some plausible theories, is such as will have a strong tendency to inculcate that animated love of country which, in its legal and ecclesiastical institutions, there has been manifested so much anxiety to crush and destroy. Liberty is sometimes called a mountain nymph; yet mountainous countries have been often enslaved and subjected to arbitrary government. But when liberty does, in such countries, once obtain a habitation and a name, it rises and flourishes with more vigor than in most others.

There is an inspiring genius in the mountain scenery of Greece, which prompted its ancient owners to assign a guardian divinity to reign over the grandeur of every lofty eminence, and

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to protect the beauties of every valley. They admired and rejoiced over the gay diversities of their country, and were patriotic. Switzerland presents a similar scenery, which operates so powerfully in binding the affections of the inhabitants to it, that the Swiss love of country is not only an ardent sentiment, but, under some circumstances, a preying infirmity. In ancient Rome, the annual festival of the terminalia called the proprietors, cultivators, and peasantry to the fields at the most enlivening season of the year to offer sacrifices and make libations to the God of Boundaries, to ask a blessing on the fruits of the earth, and to make a religious processioning of their lands. This gay festival cherished the social feelings; by anticipating, it prevented controversy; and it filled and warmed the bosom with an ardent love of country. Amidst the mountain regions of Greece, of Switzerland, and of Chili, nature herself leads out the inhabitants of each valley to an annual terminalia. The mountain boundary is gayly decorated; the streams pour down their libations on the fruits of the earth; they flourish and are blessed; the inhabitants rejoice over the coming abundance; their affections are warmed, and they are thus inspired with an animating love for their country. An intelligent civilian of Santiago has called his country the Switzerland of America; it is so in scenery; it is so in bravery; and why should there not be William Tells among Chilianos, who will, ere long, lead the mountain nymph triumphant through the land, and give her a welcome and a home in every valley?

Without travelling through a long historical detail of events, it will be sufficient to observe that, in Chili as in Buenos Ayres, the moving causes of the revolution were not the oppressions of the Spanish monarchy. The people of Chili were not first awakened by persecutions and sufferings to a sense of their power and their rights; they had always been quiet for more than two centuries and a half. The united vigilance and cares of church and state had tamed every restless spirit, and checked every wayward thought. The rulers and pastors of the people had diligently removed every hope of liberty, and passive obedience had become a habit. When the wars arising out of the French revolution, involving and disturbing all the nations of Europe, overwhelmed the peninsula of Spain, drove the ancient dynasty from the throne, produced a struggle for the sceptre, and broke loose at once those carious bonds of mere prejudice and superstition which held the various parts of that great monarchy together, such was the state of the mother country that it was manifest the colonies could no longer be governed as formerly. Each one, consequently, began calmly to think of self-government, not as a matter to which it had been excited and persecuted, nor in a spirit of rebellion, but as a deplorable act of necessity, in obedience to a melancholy fatality which had rent asunder the several parts of a great empire that had been until then so quietly and happily united.

The Junta or Congress assembled in Chili in 15th Con. 1st Sess.—70

1810 was much influenced by this view of the subject, and by a strong sentiment in favor of the mother country. But there were many men in it, and in the country, of much capacity and intelligence, who clearly saw, at that day, that the only alternative allowed to it was absolute independence or colonial despotism, who admired the political example and precepts of the United States, and who regarded that as the favorable moment for giving a new and improving direction to the destinies of their country, which ought not, for a moment, to be lost. At the head of this party was the venerable but unfortunate Don Ignacio Carrera and his sons. There was another party who, swayed by old prejudices, were disposed to compromise. Don Juan Egana, a lawyer of eminence, and who is one of the commissioners appointed by the present Director to draught a constitution for the State, was of this party. He drew up a project of a constitution in the year 1811, and submitted it to the Congress then in session, who ordered it to be published for information and discussion. In this project, which asserts that Chili should have a government of its own, free trade, &c., the idea of a political reunion with Spain, and the other provinces of America, when circumstances would admit, is provided for and continually held out.

Thus the minds of the people began for the first time to be awakened. They were thus looking around, and slowly taking a survey of their circumstances and their interests, when civil war, with all its fury, rushed into their country along with the preparations for political inquiry and discussion. The agitation was great; the people staggered, changed, and faltered. They had the courage, but not having the information and the means of concert at once to assume a correct course and to maintain it, they were distracted, divided, and beaten.

The party now in power, and who, it would seem, had then, as now, a great respect for the British, were induced by the English Captain Hillyar, of the ship of war *Phœbe*, then lying in Valparaiso, to compromise with the royalists. "But who would believe," says the present Director, in his manifesto of the 12th of February, 1818, "that in a crisis as favorable to our enterprises as melancholy to the self-styled national army, the capitulations of the 3d of May, 1814, would have been made? It is necessary to explain to wipe away the shame; suffice it to recollect that it was ratified by our Government, guaranteed by the mediation of Commodore Hillyar, with the authorities of the Viceroy of Peru, accepted by the commander of the troops from Lima; ours retired, restored to the enemy the prisoners, and obliged the people to acknowledge the peace so solemnly published." After thus making peace, as they supposed, with the enemy, they were attacked anew by the royal or national army, and on the 2d of October, 1814, entirely defeated at Rancagua. The remnant of the patriot forces fled over the Andes, where, with other Chiliano refugees and the two negro regiments, and the officers from Buenos Ayres, they

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were reorganized under the name of the united army of the Andes, re-entered Chili, vanquished the enemy at Chacabuco, and thus regained their power. In June last a commissioner arrived in Santiago from Lima, charged with a proposition from the Viceroy of Peru to adjust an exchange of prisoners of war; and, on inquiry, it was found that all the Chilino prisoners that had been taken by the royalists, having been placed upon the island of Juan Fernandez, were released by the patriots after the battle of Chacabuco, and, consequently, that there were now few or none in their hands. But the Patriot Government of Chili had, on the one side or the other of the Andes, eight thousand of the royalists prisoners of war, which they were willing the Buenos Ayres authorities should exchange for those of the United Provinces in the possession of the Viceroy. No cartel of exchange was, however, agreed on, owing to some informal or contemptuous style in which the patriot authorities had been addressed.

This short statement of the chief causes and course of the Chilino revolution will be further illustrated by the declaration of the present Director, dated on the 1st of January, 1818, (annexed, marked D,) and by that of the 12th of February following, (annexed, and marked E,) and which, together with his manifesto of the 5th of May last, will furnish an outline of the course of events; they will show that a brave people are now unanimously resolved on independence and liberty; that they have boldly met, vanquished, and captured, in succession, almost every man of two well-appointed veteran armies that had been sent against them, leaving none of either to return upon their country; and that they have determined to adopt the representative system of government; for, in the proclamation of the 1st of January, the Director declares "that the then actual circumstances of the war would not allow of the convocation of a Congress;" in that of the 12th of February he says, "it has been wished to delay the calling of a Congress, so difficult to be gathered together during the effervescence of war!" and makes a solemn pledge that a Congress of the representatives of the people shall be called as soon as circumstances will admit. In his manifesto of the 5th of May he declares that arrangements are making for introducing the representative system; that a committee has been appointed to draught a constitution on that basis; and he has issued his edict actually making the appointment. All which are acknowledgments and proofs (if, indeed, proofs were wanting) of the anxious and unanimous wishes of the people, and of the existence of a design somewhere to pacify or elude the gratification of those wishes. This strong and general popular desire to have a Congress called, thus, under various pretexts, postponed, parried, or evaded, must soon prevail. It not only pervades the minds of the citizens generally, but, since the victory of Maipu, it has begun to spread along all the ranks of the Chilinos of the army. The much talked of invasion and liberation of Peru is a project plausible and

popular enough; but it draws off the attention of none from the great object of having a Congress at home. The restraint of some, the banishment of others, and even the destruction of one of the active advocates of the call of a Congress, has rather served to excite and irritate, than to quiet the minds of the people. A Congress will, ere long, be convened, and the work of reformation then really be commenced; awkwardly and unintelligibly at first no doubt, and, perhaps, passionately; but the revolution will move on, often checked and diverted from its best course, as all others have been, by the working off of the pernicious old leaven of kingcraft and priestcraft, to the attainment of much good and substantial freedom ultimately.

The movements of the military leaders, and the position in which they have left the patriot forces under their command, have, in the judgment of some, been so contrary to everything like military skill, zealously directed for the good of the cause, as to cast a shade of obscurity and mystery over all the affairs of state. The same observations are made on this subject in Buenos Ayres as in Chili. Why, it is asked, are not the militia of the high provinces attached to the Union, and who are so extremely zealous in the cause, furnished with arms? It is said that the gauchos, under the command of Guemez, are more than a match for all the guerrilla parties of the royalists in that quarter; and, also, that the people of Potosi, Chuquisaca, and their neighborhood, are resolved on independency and freedom. If so, it is asked, why are not Belgrano and Guemez ordered to press forward to Peru, and leave arms with the people in their rear to protect themselves in case of need, instead of remaining so long stationary near Salta? Why is an army of twenty-five hundred men, principally freed negroes, left in the city of Buenos Ayres, when no enemy threatens it, and only three thousand sent under Belgrano to the frontiers to face the national foe? Why not arm the militia of the capital and its vicinity for its temporary defence, in a moment of emergency, such as that of the late attack of the English, and send the regular forces to the frontier? In Chili similar observations and inquiries are made. Almost immediately after the battle of Chacabuco, San Martin, the Commander-in-Chief, instead of pursuing the enemy to the walls of Concepcion, and closely investing him there, if no more could be done, or of instantly and vigorously pursuing the royal forces in every direction, and of destroying the adhesions to the old system wherever to be found, left the army in Santiago, and went over to Buenos Ayres, and staid there so long that, when he returned, the royal forces were recruited and prepared for the siege which he then laid to the city of Concepcion. The battle of Maipu was fought on the fifth of April; and, about ten days after, instead of leading the veteran African auxiliaries of Buenos Ayres, with the brave Coquimbos and Aconcaguas, instantly towards Concepcion, and laying siege to it, cutting off all its supplies, the Aconcaguas were sent home, the Coquimbos to

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the neighborhood of Penco, and the negro regiments quartered in Santiago, while San Martin again made a visit to Buenos Ayres, where he still remained in the middle of July last, concerting measures, according to some reports, for the invasion of Peru.

It is said that this invasion can only be made with certainty of success by sea, and that ships-of-war and transports must be procured for the purpose. The chiefs say that, in the bustle and effervescence of warlike preparations and efforts, the representative system, and the excellent political institutions they intend giving to Chili, cannot be adjusted on a correct firm basis; and, therefore, this great work must be postponed until the patriot forces have taken possession of Lima. On the other hand, distinct intimations are heard among the people of Chili, that, while the military chiefs are celebrating their triumphs in Lima, they will occupy themselves in founding the representative system of government for their country. Not more than one-third of the population of Peru are whites of unmixed blood; a great majority of them are, however, ripe for revolution, and desirous to throw off the colonial yoke; but the other two-thirds are negroes and mulattoes, bond and free; many of whom are wealthy, and have been as well instructed and educated as the whites. Hence the whites, friendly to a revolution, are afraid, alone, to make the least effort for emancipation, lest they should kindle the latent flame of a servile war. They are, therefore, it is said, determined to wait the arrival of the forces of their brethren of the South or the East, who may be ready to extinguish the dreaded flame, should it break out.

Whether the movements of the military leaders are the result of mere ignorance or imbecility, or whether they are made with a design to procrustinate the war, so as to continue a pretext for holding the country, by means of the army under their control, and with a design to crush the rising spirit of republicanism, which accumulates and gathers strength with the progress of independence, is not positively known; but some burning jealousies have been lighted up on both sides of the Andes. What will be the consequence when the patriot forces shall plant the standard of independence in the Plaza of Lima, is also problematical; it would evidently contribute to the final and secure establishment of the independence of Buenos Ayres as well as Chili, to expel all royal authority from Lima. But when a military leader from Buenos Ayres or Chili shall make himself master of Lima, what will then be the consequence to Peru itself; and what may, in a short time, be the nature of the reaction from thence on Buenos Ayres and Chili, of such a chief established there, and believed there to be necessary to prevent the flames of a servile war from bursting out, are questions which time alone can solve.

The colonial government of Chili, like that of all the other Spanish provinces, was a simple unqualified despotism, in which the people had neither voice nor influence such as I have de-

scribed that of Buenos Ayres to have been. Don Bernardo O'Higgins tells us, in his manifesto of the 5th of May last, that, after the expulsion of the royalists, "the first step was to nominate a person who might be charged with the executive government in circumstances so difficult; that the capital of Santiago called him to that station by the universal acclamation of its inhabitants; and that that voice had been uniformly followed by the provinces and the people of the State; that he entered on the administration, and already knew that it is only by a vigorous and energetic government that tranquillity and order can be maintained, and the public mind prepared to receive convenient institutions." Whether his Excellency was called to the supremacy of the State by the people of the capital, or of Chili, in reality, or by the Buenos Ayres chiefs of the army, I shall leave others to determine; but certain it is that the much more loud call of the people latterly for a Congress does not appear to have been so distinctly heard, or it has not been so willingly attended to. The Supreme Director O'Higgins has taken possession of the palace of the ex-vice-king, which he has now guarded principally by the Buenos Ayres negro regiments. Finding himself invested with all the powers of a vice-king, without the control of a royal master, he uses his authority accordingly, and the Government of Chili is, in other respects, organized as it was under the colonial system.

Upon the whole, when I reflect upon the circumstances and state of things in Chili; a million or more of agriculturists gathered into the small compass of its delightful valleys; a population so homogeneous as to leave no ground even to suspect the existence of any latent cause of civil feud or servile war; a people extremely ignorant, but, like all villages of agriculturists, easily instructed and susceptible of rapid improvement; secure among mountains, and far remote from the contending potentates of modern times, yet seated immediately along the margin of the ocean; a country that has hitherto been debarred of all the benefits of foreign intercourse, but which, from the nature of its productions, will command a choice of commerce; I am strongly impressed with a belief that the day is not distant when she will, in spite of faction and craft, and the occasional risings of the leaven of her late institutions, be admired and respected by the nations of the earth as another of the firmly established Republics of our continent; when she will stand, like another young Minerva, with her back against a wall—that wall the mighty snow-capped Cordilleras of the Andes—looking with mild composure upon an ocean which presents to her a new world of commerce, which will be navigated by no rival, which is too distant for the hostilities of the angry nations of Europe to reach, and whose placid surface is seldom visited by a storm. Thus stationed, she will be only accessible by way of her high brown coast, neither fearing nor being feared by foreign nations, making all welcome to her bold shores, and pouring out her abundance and her riches to all who

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want and seek to obtain them by the just and peaceful ways of fair commerce.

I have so far confined my inquiries to Chili itself; and the interest which the United States have in its independence and freedom appear to be in themselves sufficiently important to attract the serious attention of our country. The subject, however, enlarges as we approach, and there opens before us an extensive and fruitful field, not confined to Chili alone, yet evidently connected with it. The free access to that great bread country of the other hemisphere lays open channels of trade hitherto closed against us, and cherishes and sustains every other branch of all our rich, profitable, and increasing commerce of the Pacific, which heretofore encountered so many privations and perils. I shall take the liberty merely to make a sketch of those branches of trade, and their probable value, which must inevitably be either opened, cherished, or enlarged, in consequence of the independence of Chili, leaving it to others who are more fully informed to determine on the correctness of the facts and circumstances I shall relate, and to say what will be the new state of things most likely to arise out of them.

I have endeavored to give an idea of the amazing fruitfulness of the valleys of Chili in wheat. I did so, because I was impressed with the belief that its grain-fields are now destined to become the means of its happiest improvement, its most rapid prosperity, and its inexhaustible sources of wealth. Chili is now, and must, from the nature of things, continue to be, the great granary of all the countries fronting on the shores of the Pacific and South Atlantic ocean of this continent. In this supply it can have no rival; and now that the doors of its commerce are thrown open, the demand for Chili grain has already so extended that the price has risen, notwithstanding its old colonial market has been, and will, for a while longer, be entirely shut up. None of the tropical regions of America, either on the Atlantic or Pacific shores, produce wheat, or indeed any bread-stuff, in sufficient abundance for their inhabitants.

In Brazil, there is no wheat cultivated, nor is there any portion of it, on navigable waters, suited to its growth, except it be the plains on the Rio Grande de San Pedro, immediately bordering on the Banda Oriental, to which it is similar in its nature, and at present is, like it, applied solely to the purposes of grazing. All the fresh beef presented in the market of the city of Rio Janeiro at this time is drawn from Rio Grande. The Portuguese value that part of their Brazilian territory very much, on account of its furnishing an abundant and cheap supply of jerked and fresh beef to those other portions of it which, as they conceive, are so much more profitably employed in rearing the tropical productions of coffee, sugar, cocoa, and the like. It is not likely, therefore, that wheat will soon be cultivated for sale in any part of Brazil; it must, consequently, be supplied from abroad. Heretofore it has procured some from the United States, and from the Mediterra-

nean, as far as Odessa or Oczakon, on the Euxine; but latterly there have been several American and English ships laden with wheat at Valparaiso for Rio Janeiro, which yielded a good profit. Brazil may, therefore, be considered as one of the standing markets for Chili wheat.

I have described the pampas of Buenos Ayres, and, from all I could learn of the actual experiments that have been made on them, I cannot believe their grain productions will soon be brought to rival those of Chili anywhere; on the contrary, the population on the shores of the river Plata have, of late, received occasional supplies from Chili; and the Banda Oriental seems, also, from the character and situation of its present owners, to be destined to continue as pasture grounds for some ages to come. As a proof of the extent and value of the market on the coast of the South Atlantic, wheat was at a higher price, under all the embarrassments of trade in Valparaiso, in July last, with these new markets only open, than it ever was under the colonial system, when the trade of Chili was confined entirely to Peru.

But the great, constant, and increasing demand for Chili wheat is to be found on the shores of the Pacific. At present, there is no island in the north or south of all that great ocean, nor any civilized settlement on the shores of the continent, which either cultivates or is suited to the growth of wheat, other than Chili. California, it is said, will one day be a grain country, and I have understood that small quantities have been purchased there by some of our northwest-coast traders. But it will be unnecessary to inquire into the ability of California to rival Chili anywhere, until it shall be settled, civilized, and cultivated. Under present circumstances, which are not likely to be altered by any revolution now in agitation, or that may probably soon take place, it may be confidently asserted, therefore, that the whole of the settlements on the coast of the Pacific, from Acapulco to Cobija, are entirely dependent upon Chili for bread; and that they do, in almost all respects, as regards supplies of bread and necessities, stand in the same relation to Chili that the West Indies do to the United States. Although the table lands near the city of Mexico produce as abundantly and as fine grain as any in the world, yet, owing to the distance and the ruggedness of the way, flour is sent cheaper from Baltimore than from Mexico to Vera Cruz; and, for the same reason precisely Acapulco can be supplied with flour from Valparaiso cheaper than from the plains of Mexico. But the existing state of things has furnished conclusive proof of the correctness of this statement. The last crop of grain, just before harvest, in the territory of Penco, and in the neighborhood of the city of Concepcion, was laid waste for the purpose of cutting off the supplies from the royal army. No wheat was, therefore, exported from Talcahuana, and the war completely closed all communication between the patriot portion of Chili and Peru. In consequence of which, wheat, which could in June last be put on

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board a vessel in the harbor of Valparaiso for two dollars the fanega, (seventy-five cents the bushel,) had risen in Lima, at the same time, to the enormous price of twenty-five dollars the fanega, (ten dollars the bushel,) and was even scarce at that price. Therefore, whatever may hereafter be the condition of Peru, whether independent or colonial, this grain trade with Chili must be open, and accumulate its resources to the benefit of foreigners, or, what is most likely, be carried on by them; because Chili, as was admitted by the Director himself, has not, at present, a single seaman of its own. The returns for Chili wheat will be, as under the colonial system, made in specie, because Peru has nothing else with which it can pay for what it wants, over and above the supply of Chili in sugar, coffee, &c.

But the inevitable consequence of allowing this necessary partial opening of the ports of the Pacific for the admission of breadstuffs will be, that a very great proportion of the precious metals will make its way out, through them, from every part of the rich mine districts of the Andes to the northward of Chili; and it seems to be in the natural course of things that the precious metals extracted from Peru-Alto, or most of the high provinces of Buenos Ayres, should also take a direction to the ports of the Pacific, if not altogether, at least in as great a proportion as heretofore. The port of Arica, situated about three hundred miles to the south of Lima, was a place of some importance, and much frequented, under the colonial system. It was from the wonderful salt mines in the neighborhood of Arica whence most of the settlements along the coast were supplied. The salt is cut in large blocks of about one or two hundred pounds weight, and thus brought to the city for exportation. I have seen mules laden with these blocks of salt in Valparaiso, going into the interior. Arica was also visited for the specie, from the rich mines of Potosi and its neighborhood, which found its way from thence. The port of Cobiya, situated about three hundred miles south of Arica, on the Rio Salado, and two hundred and sixty miles beyond the river of the same name, which is the northern boundary of Chili, was also remarkable as another of the ports whence some of the precious metals of the mines to the eastward of it got abroad. Commerce naturally and inevitably seeks and adopts its best interests and greatest conveniences, unless dragged away from them by a master as inconsiderate and arbitrary as a Spanish Viceroy. It is, therefore, reasonable to presume that the commerce of Potosi, and the provinces round it, will, under any future peaceful condition of them, be suffered to follow as much or rather more of their own interests than they have done heretofore; if so, a view of their geographical situation will clearly show in what direction those interests will lead.

The distance from the port of Arica to the city of Potosi is one hundred and twenty miles; thence to La Plata or Chuquisaca it is fifty miles farther; but, from Potosi to Jujuy, on the direct road to Buenos Ayres, the distance is four hun-

dred and forty-seven miles; and thence, by a cart road, to the city of Buenos Ayres, it is twelve hundred miles farther. From the port of Arica to the city of Catagayta, one of the principal cities of Chicas, a rich mining province, still farther south than Potosi, it is one hundred and ninety-two miles; and thence to Jujuy it is two hundred and fifty-five miles. And again, from the port of Cobiya to Potosi is only two hundred and fifty miles; and from the same port to Catagayta it is two hundred and twenty miles further. It must be recollected, however, that all the roads of the country of which I am speaking, from the seacoast as far east as the city of Jujuy, are only practicable for mules; but they are, by every one, allowed to be as good from the coast to Potosi, and the other middle valleys of the Andes, as they are thence to Jujuy at the eastern foot of them. Hence, it will appear that the natural and most convenient ports, for almost all the rich and rugged provinces lying among the mountains, are those on the coast of the Pacific.

Supposing, then, that the precious metals, and the foreign commerce of the high provinces of Peru-Alto be directed toward Arica and Cobiya, and all the coast to have a trade partially open, which it must have to Chili at least, the benefits of that trade will be so much in addition or accumulation of that flowing directly from Chili alone. What may be the amount of the advantages likely thus to arise to the United States, I have been able to collect no data which would enable me to form an estimate founded on facts; but I should suppose that, on comparing it with the other branches of commerce connected with Chili, and the probable value of a trade entirely open and free to all that rich coast, it would not be deemed extravagant to estimate it as likely to yield profits amounting to somewhere about one million of dollars per annum.

Our countrymen have, for some time past, carried on a very extensive commerce over the Pacific ocean, that has been no less creditable to their bold spirit of enterprise than lucrative to themselves and beneficial to their country. I allude to that which has been fished up out of the ocean itself; which has been gathered from the various groups of islands scattered over it from south to north; and, also, that which has been derived from trending along the coast of our continent, from Cape St. Lucas, the extreme southern promontory of the peninsula of California, north, through the great inlet, called Lynn canal, to its bottom, in the fifty-ninth degree of north latitude. The hardy adventurers in this branch of commerce have gone forth from their country, have almost circumnavigated the world, and have bid defiance to the perils of the ocean in all the various latitudes of storms and calms, of the frozen zone, and under the fierce rays of a vertical sun. They have suffered privations and encountered difficulties of every sort, and have nowhere found friendship and succor; they have never been cheered by the protecting wave of their country's flag. Skill, courage, and fortitude, have been their only resources. But a more

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propitious time seems to have arrived. Immediately in front of the mountain coast of Chili is the great whale fishery of the Pacific, which has been so profitably pursued by the citizens of the United States. There are engaged in this business, annually, about fifteen or twenty American ships. All their stores and provisions, as well as implements and such outfits, they have hitherto been obliged to take from home, and to rely altogether on their own resources for completing their cargo, without the least protection or succor from any quarter whatever, except what they derived from a covert and hazardous trade with the Spanish provinces on the coast, with a few select articles brought for the purpose of thus procuring refreshment and necessaries as opportunities offered. But the sufferings, hardships, and losses they have sustained at such an immense distance from home, for the want of some friendly port of a civilized nation which they could enter and procure supplies, have been exceedingly great, and by no means unfrequent. The advantages and conveniences to this branch of trade of the open free ports of such a country as Chili are obviously prodigious. These ships gather their valuable cargoes from the ocean, in cruising along the American coast, having it often in sight, between the latitudes of the island of Chiloe and that of the bay of Panama; and, when it is completed, they most usually return direct home, by the way of Cape Horn. The aggregate value of this branch of trade may be estimated at one million of dollars per annum.

The shores of the numerous islands of the great North and South Pacific oceans are very frequently found to be swarming with one or other of the various species of phoca or seals or sea dogs, whose skins find a ready sale in India; and most of those islands that lie near and within the tropics have considerable forests of sandal-wood, which is so highly valued by the Chinese, either from the delightful odor of the sap extracted from it, or from its being held by them to be an acceptable burnt-offering to their gods. There are on an average not less in each year than five American ships, of from two to three hundred tons, that make a cruise among these various islands for the purpose of collecting a cargo of seal-skins and sandal-wood for the China market. These ships require to be armed, well manned, and found; but their valuable cargoes are picked up with almost nothing, the amount which they carry to barter with the natives is so very trifling. These ships, when outward bound, always pass directly by Chili, and would find great advantage in having its ports open to them for outward freight, for supplies, and for protection. The cargoes of these vessels, I have been assured, may be safely estimated as being worth in China sixty thousand dollars each.

The coast of our continent, from the southern point of California to the bay or river St. Francisco, is claimed by the Spaniards, and they have some small parcels of civilized population strewed all along it, by which they hold possession, and exercise a kind of jurisdiction by means of some

few soldiers and a priest at each residio or station. The holy father, in proportion as he has been successful in obtaining an influence over the savages, or in converting them to the true faith, governs them, and takes into his keeping as well their temporal as spiritual concerns. There are not less than four ships from the United States that, in each year, make trading voyages along this coast, and carry on a barter with the independent tribes, or through the agency of the priest at each presidio, with whom they trade for such articles as he himself wants, or may be necessary for the soldiers of the station, if there be any, or as his flock, the natives, may fancy, in exchange for land and sea otter skins and other furs. These ships might, in many respects, be very advantageously supplied on their outward voyage from the ports of Chili, which are directly in their way. Their cargoes are estimated as worth about eighty thousand dollars each in China.

Along the coast of the continent, to the north of St. Francisco, is carried on that commerce entirely with the natives of the country, which is usually and properly called the trade of the northwest coast. To the northward of Columbia river there are numerous bays and rivers of very great extent. It is on the shores of these bays that our navigators most usually carry on their trade; and which are collectively called the inner coast, in contradistinction to that fronting on the ocean itself, and a great part of which the Russians claim as appertaining to their settlement at Sitka or Norfolk Sound. There are not less on an average than fourteen ships, of from two to three hundred tons, that go every year on a trading voyage to the northwest coast. Among the articles which they have for carrying on their barter on the coast, is hard bread, of which it is calculated they altogether take about four hundred tons. This article could be had in Chili for less than its freight there from the United States would amount to. These ships pass directly along the coast of Chili, and might be very materially aided in other respects, as well as protected, from its ports. The aggregate worth of the cargoes of the northwest traders in China is estimated at about one million of dollars.

I have given the computed value of these last three branches of trade from the United States to the Pacific, in China, because they all go out by the way of Cape Horn, and make a circuit, by the way of China, home. A capital in China is generally allowed to be worth thirty per cent. additional in the United States; consequently, the sum total of this commerce in the United States may be calculated at two million one hundred and fifty-eight thousand dollars.

I am aware that, since the United States have obtained the peaceful and unquestioned possession of Columbia river, a settlement will soon grow up there, whence much of the countenance, facilities, and protection to our commerce on the Pacific may and will be derived, which could only otherwise be had from independent Chili. But it is no less evident, from the nature of things, that Chili will furnish the means of cher-

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ishing and hastening the growth of that settlement; for, besides the supplies which an infant establishment may draw from Chili, the settlement at Columbia river will have a ready and unrivalled market on the southern Spanish coast, particularly in Chili, for what are understood to be its staple commodities. Ships' spars and lumber are scarce, and in some places not to be had between Guayaquil and Concepcion. The shores of Columbia river are at present encumbered with the greatest abundance of them, and of the finest quality. All accounts concur in representing the quantities of salmon and halibut to be in Columbia river as prodigious. The Catholic Spanish settlements to the south will be a market always open for them.

I have shown that, from the month of February, 1817, to the month of July, 1818, during the first of the second epochs of revolution and distraction in Chili, within a time when the opening of its ports could not much more than have been heard of, there have been actually landed in the ports of Chili, by citizens of the United States, merchandise to the amount of one million three hundred and seventy-five thousand dollars, and a much greater value might have been imported with a certainty of its finding a market and being paid for in a fair course of trade, but for the inconveniences growing out of the present state of things, some of which I have endeavored to explain. But if we recollect the advantages which our citizens have in the China and India trade, by being unfettered with the monopoly of an East India Company, and that the silver and copper of Chili will enable them to extend their enterprise, and push their commerce to a greater advantage than ever, I think it will not be deemed an exaggeration to set down the commerce of Chili itself as worth to the United States, annually, about two millions of dollars.

Summing up the whole of these several branches of commerce, they will form a total of six million one hundred and fifty-eight thousand dollars of annual value to the United States, which will be either produced, cherished, or protected from that new and interesting country.

These are my views of the benefits, profits, and advantages, which the citizens of the United States are likely to derive from independent Chili. I may be allowed to declare that I feel, in common with my countrymen, a lively sympathy and a deep interest in the fate of a brave and generous people struggling for their liberties, yet it would be presumptuous in me to point to the measures which the Government ought to pursue; because the excellent institutions of my country have provided the means of calling together the impartial intelligence and wisdom of the nation, to determine the course of measures to be adopted upon that as upon all other similar and important subjects. But I shall esteem myself honored, and feel gratified with having done some good, if it shall be found that I have added somewhat to that stock of information which has been sought for, to enable the Government to direct its steps with a justice and a dignity worthy

of itself upon so interesting an occasion, and, at the same time, in a manner best calculated to promote the cause of freedom and humanity.

Be pleased, sir, to accept the assurance of my highest respect.

THEODORICK BLAND.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

APPENDIX.

B.

A manifesto of the Government to the people who form the State of Chili.

All the people of the land have an imprescriptible right to the establishment of their liberty, but few obtain the enjoyment of it, because the great sacrifices it requires of them are superior to the terrors inspired by despotism in their weak souls. They know that the first step in this enterprise is to resolve to lay aside all that to which they had previously submitted; and, to reform the political institutions of a people, it is necessary that the greater part should renounce their habits, abandon their interests, lose their tranquillity, and many times endanger their reputation itself. In the current of a revolution calculated to innovate on the destinies of half the world—perhaps the whole—it is difficult for an individual to change or have a choice of sacrifices. The people of Chili have now known, from their own experience, the necessity of passing this intermediate period of dangers and vicissitudes, before the establishment of those reforms which are required by the age in which we live, and the actual relations of the human race. But, neither the multiplied horrors of a war, carried on with the ferocity of the Spanish Government, nor the weight of those calamities which give a shock to the rude passions of a new-born nation—nothing has been able to change those sentiments which were evinced in the celebrated revolution of the 18th September of the year 1810. From that epoch until the 1st October, 1814, we made an essay of our powers, and thence may know that they are sufficient to sustain the wishes of an offended people, that internal grievances might not always exhaust their resources, who, in proportion as they are united, were animated by the same feelings and were threatened by equal dangers.

We could not run counter to that first principle which declares that every one may follow the physical and moral law of his nature; and consequently, in the progress of our destiny, to conceive ideas, to form opinions, and to execute projects, that communicated the tendency of our views; which manifest our sincere endeavor to obtain our object, and at the same time avoiding those errors which stir the angry passions and excite public commotions; resisting internal and external enemies, although we sometimes yielded to the impulse of force or hostile manœuvres. These causes had such an effect upon our operations, that the enemy triumphed by means of the enthusiasm and the sacrifices Chili had made

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since it had undertaken the work of its regeneration. The country fell again under the Spanish yoke, and its inhabitants were treated as rebels: for all unsuccessful revolution is rebellion. The oppression and outrages which had been previously suffered by Chili, the atrocities of which it was the victim in that epoch were the signal of a great conflagration, or a scene of frightful shipwreck, compared with the reality of those catastrophes. A torrent of calamities inundated this beautiful country; hatred and revenge dictated the law to which all the actions of Chilianos and the fruitfulness of the land itself were subjected. The oppressor calculated that he was now able to repose in tranquillity under his laurels; that the fruit of his victory would be slavery without end; and that he might yet make America forget the origin of its pretensions and its rights. The impulse was however only for the instant; it made an impression but of short duration over a vast continent, the several parts of which could not be suffered to remain unattended to for a moment to give direction to the whole.

It was proper that the United Provinces, existing under a new form, and feeling the interests of Chili inseparable from their own, should make a last effort of their strength to save it, or both to fall entombed under their own ruins. In short, the army of the Andes was organized, and the 13th of February, 1817, arrived, to put into our hands the destiny to which we aspired. Liberty was restored to Chili—a time to benefit by the history of past misfortunes; for the tenor of those public acts should admonish us to preserve harmony in affairs, with practical ideas which constitute true liberty, and would not drive us against the rock of adopting principles that conduct to anarchy, and convert jealousy into fanaticism.

The first step was to nominate a person who might be charged with the executive government in circumstances so difficult. The capital of Santiago called me to that station, by the universal acclamation of its inhabitants; and that voice had been uniformly followed by the provinces and the people of the State. I entered on the administration, and already know that it is only by a vigorous and energetic government that tranquillity and order can be maintained, and the public mind be prepared, in time, to receive convenient institutions. To this end, it became necessary to banish rivals who acted under the American name, and to take precaution against those who, by a false calculation of our interests, had the power to mislead the unthinking. These measures were the more urgent, as the enemy had reinforced the province of Concepcion by the remainder of those he had saved from Chacabuco, and hoped to receive in Talcahuana auxiliaries from Lima, with which to act anew on the offensive. At all events, it was necessary to organize a respectable force capable of securing peace, and of imposing respect from the invaders. I directed all my views to this end, and the result has been fully commensurate to my wishes. Under the conduct of General San Martin, the united army was put, in a short time, on a footing that did honor to America, and gave

us a right to hope for a decisive triumph in the first battle. But a force so considerable could not be maintained without great sacrifices. The extraordinary expenses of the war, and other charges upon the revenue, left a deficit which it was necessary to fill at all hazards. The Government saw, at the same time, with distress, all the sources of national wealth obstructed; and the country, almost entirely drained by the Spaniards, left hardly any means to meet calls so great. The economy and the generous zeal of the Chilino people were the only funds which neither the reverses of war nor the universal interdict of our mercantile relations were able to destroy; with these, although at the expense of great privations, the army was maintained, and the other exigencies of the State deferred; thus, for the present, public affairs were immediately taken care of, when the duties of the war called on me to take command of the army of the South, and I delegated the exercise of the functions of Supreme Director to other persons. The conduct pursued in this interval by these delegated governors has been entirely satisfactory, for their duties were discharged with great activity. But all shall be recollected with glory, and amends be made for the great afflictions which once impeded our enterprise, which has terminated in such important results.

In the meantime the army of the enemy, secure by the strength of its position, remained shut up in Talcahuana, and was insulted by our valor, without being exposed to the risk of testing his prowess. I knew very well the difficulties of an assault; but, after one painful campaign had been wasted, it was impossible any longer to restrain the impatience of courage, when, on the 5th of October last, we made a stroke on the besieged, and, although the attack was honorable to our arms, we were obliged to yield, for triumph is not always the recompense of the brave. At this time an expedition from Lima, united to the troops of Talcahuana, was announced; according to the calculations of General Osorio, to whose command it was intrusted, it was amply sufficient to re-establish the ancient domination. On the 18th of January the convoy arrived at Talcahuana, and it must be acknowledged that the forces brought against us were superior to all that had been seen in the field against America, since the beginning of our revolution.

Here opens the epoch in which Chili was driven unto the extremes of its sacrifices, and in which the Government put forth all the means of its power to frustrate the pride and the arrogance of the enemy. The conflict of the 19th March is one of those events which valor could not prevent, and which timidity itself is incapable of apprehending. An army, respectable, anxious for the combat, habituated to order, and directed by General San Martin, saw itself attacked in the darkness of the night, and in the same moment that its position was changed to display its bravery on the following day; after sustaining the first shock, a part of our troops were dispersed, the rest put in confusion, and the camp was aban-

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doned to the enemy. This unexpected reverse of fortune struck a universal terror, spread consternation over the country, and debilitated the powers of Government; for such circumstances relax obedience, and leave authority embarrassed. The recollection of Spanish authority, and the dread of falling under its domination, prevailed over every hope. The greater part of the patriots abandoned their houses and families, or fled with them without any other means than were necessary to save their lives. This concurrence of circumstances made the reorganization of the army, in itself sufficiently difficult, much more vexatious; but the brave did not tremble, and in a short time rallied in the neighborhood of Santiago. Everything is extraordinary—all is grand—in the historical detail of those moments! From the 19th of March until the 4th of April, we have seen the greater part of the army dispersed, making a retreat of eighty leagues without dissolving itself, preserving order in the midst of confusion, repairing its losses, notwithstanding the scantiness of its means, and preparing itself for a battle, which in the revolution of the new world will be as memorable as was that of the old, which decided the fate of Europe in the field of Waterloo. On the 5th of April the enemy presented himself on the plains of the Maipu; his force was superior to ours, his position seemed calculated for victory, and his ferocity corresponded to the nature of his pride; that alone which was wanting to insure his triumph with absolute certainty was the darkness of the night. General San Martin led on the attack at noonday. Our soldiers remembered that they were the conquerors of Chacabuco, and after six hours of combating, in which time the field was drenched with blood, the whole of the army of the enemy was left in our power, and General Osorio only escaped with his escort. In the annals of war there is no recollection of a triumph more complete, nor one in which there could be more obstinate courage on both sides; neither is there any recollection of a success so fruitful in results.

Chili, with its numerous population, the fertility of its soil, the richness of its mines, and the advantages of these means of prosperity, will now belong only to itself. Our relations with foreign nations will have only for their basis reciprocity of interests; and the epoch is not distant when the Government, having completed its regulations for loosening the fetters from our commerce, facilitating the exportation of our productions, the class of industrious agriculturists, secure in meeting a demand that will recompense their labors, will soon be doubled. In the meantime it will be useless to avoid partial projects, the execution of which can only be the result of our general combinations. Although the country is now almost entirely free from its enemies, yet, in consequence of his maritime ascendancy, the immediate market for our productions groans beneath the weight of Spanish monopoly, and is in want of those articles most necessary for its consumption.

It is true that the battle of the 5th of April has

made a breach in the exclusive system which erected such a barrier between us and the ports of Lima; but it is necessary to make new and mutual efforts to remove all obstacles. Lima cannot long be withheld from the general destinies to which America yields, and its principles must accord with those proclaimed by Chili and the United Provinces. The simultaneous operation of our forces, and ascendancy of public opinion in Upper Peru, will determine whether it be possible to form on the American continent a grand confederation capable of irrevocably sustaining its civil and political liberty, whatever may be the form of government that may be established in those confederated States. The solemn declaration which was made by the United Provinces on the 9th of July, 1816, and that which we ourselves pronounced on the 12th of February last, will be soon loudly repeated in the capital of Peru; and henceforth it will be these that give date to the age in which was commenced the breaking of the chain which bound America to the potentates of Europe, who were accustomed to look on it as an exclusive property of the smallest quarter of the globe. The United States gave the first example; it lives, and it is impossible to destroy it. Brazil, although following different principles, has also ceased to belong to Europe, and is now the second Power in America. The times cannot retrograde; the universal opinion of men has practically fixed the difference between authority and despotism, between obedience and slavery, between liberty and licentiousness. The examples which have broken forth in the midst of those despots, and the experience of those evils which have afflicted Europe in our days, are beacons that will warn the people to shun the brilliant theories of an-archists.

Let us move on firmly to our destiny, but without deviating from the justice and spirit of order that is presented to us. We approach the moment when the will of the Chilino people shall be the sole guaranty of their institutions. The calling of a General Congress is the solemn thought that occupies me: if my own ardent wishes were sufficient alone to accelerate it, we would now be on the eve of that great event. But to lay the foundation of the representative system to which we aspire, it is necessary that the numbers of the representation of the people should guard the greatest proportion of them possible, by their being represented. This apportionment is not ascertained; it must, therefore, be preceded by the taking of a general census. I have commanded it to be made immediately; and my Secretary of State is charged with the execution of this decree, and with communicating to the municipalities of the State proper instructions, by which means the estimate may be performed with exactness. Until this is done, I have taken good care also to order two commissioners, which shall be publicly announced in the first ministerial gazette, the one for the purpose of preparing a provisional statute, which may govern until the meeting of the Congress, with the sanction of all the people of the State;

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and the other for the formation of a constitution, under which a Congress may be called, when it shall be committed to their care, and they shall establish the division of supreme power according to the will of the people, and conform to the plan that our actual relations may suggest. I promise myself much from the zeal of the municipal bodies who aid my powers. They will hasten the meeting of the Chilino Congress, and not postpone the day on which I shall declare the number of the national representation, by virtue of the extraordinary power which has been reposed in me, under the guaranty of my responsibility. I shall, therefore, continue until then in the exercise of those high functions that are proper for a Chief Magistrate under such circumstances as the present.

The experience of fifteen months that I have administered the public concerns under the old existing forms, and the success that we have obtained by its influence, makes me hope that, following the same course, the Government will be carried to the end of its undertakings, the citizens will see a termination of their sacrifices, and the people will put the seal to their destiny. But if, contrary to my expectations, any obstacles should present themselves, I am sure we shall find means to overcome all, be the causes of opposition what they may. Against foreign enemies we have an army that has twice conquered; as terrible in the day of battle as constant in adversity, and humane after victory. The General who commands it will very soon return from the capital of the United Provinces, where he has been hastily carried by the interests of our grand combinations; and neither the distance of more than four hundred leagues, nor the difficulties that are presented by the Andes in the middle of winter, will be able to delay his return. He will sustain there, as well as here, the honor of both national flags united, and his name shall be the standard of the brave. Against the naval power which until now has been shown by the enemy, we have the elements of a force that has begun to make its first essays, which, we promise ourselves, will in a short time give us as decided a superiority over the sea as we have now obtained by land. In spite of the scantiness of our resources we have armed the ship *Lautaro*, of fifty-two guns; and she, alone, has been sufficient to raise the blockade maintained by the frigate *Esmeralda*, the brig *Pezuela*, and other Spanish vessels, which, in the very first action, have struck their flag to ours, and would now have augmented the trophies of Chili if Captain O'Brien had survived the glory he obtained in that attack. Against internal enemies the Government will constantly place the rectitude of its views, the zeal of its good offices, and the vigilance of all the public functionaries. If any shall attempt to mislead the opinion of simple men, and to give to the Chilino people an impulse contrary to their pacific character and honorable feelings, I will employ all my authority to stifle the disorder and to avoid those rocks. But I flatter myself with the hope that the influence and foresight of the subaltern authorities will

enable me to shun the pain of adopting measures which would cost my heart an afflicting sacrifice. It is not many days since the honorable municipality of this capital gave an example of vigilance in preserving public order, co-operating with my power for the purpose of uniting the opinion of some citizens, who, substantially wishing the same that I anxiously desire, would suggest reforms, which are only dangerous by being untimely. The Government had made a just discrimination in its zeal, and has taken precaution against those who mask their designs under its name.

Such is the outline which the revolution in Chili presents, until the period in which we at present find ourselves; in it we will discover a continual struggle between education and conviction, between interest and custom, between naked truth and error. This has been the most difficult combat, because we have had to make a conquest over ourselves, in order to triumph over the enemy.

Now is the time that will decide for Spain who has obtained the victory in this contest, and if yet there can be a hope that the ancient prejudices shall forever endure for the support of its power. Chilinos! the eighth year of our revolution is going to be eternally memorable. No one can contemplate our destiny without recollecting the 5th of April, and the plains of Maipu, and what has been there written; let us redouble our energies to augment the series of our grand successes. In the present year we have declared ourselves absolutely independent; we have obtained a triumph that would astonish Europe, if that had been the theatre of our exertions; and we are going to open a campaign which will give liberty to the continent, and lay the foundation of a triple confederation, in which we see the Chilino Congress united, if some unforeseen occurrence does not prevent it. What generations will spread over our territory! what numbers will wish to place themselves exactly in our circumstances! what great souls will desire to be transported into the midst of us, to have the glory of influencing here the happiness of half the world! We should be thankful to Providence that we have now in our hands the fortunes of the country. Let us save it at every hazard, and leave to posterity other rights which will make it grateful to us, and rally about a constitution sanctioned by the will of the people.

Given at our Directorial Palace of Santiago,
5th May, 1818.

BERNARDO O'HIGGINS.

ANTONIO JOSE DE IRISARRI.

C.

JULY 8, 1818.

DEAR SIR: I enclose you, in No. 1, an account of the cities, ports, and towns, with the State of Chili, at the foot of which will be found the actual population computed in the whole country, according to a census imperfectly made in the year 1814; but there may result from the new

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one that is going to be made a very material difference, giving grounds to the suspicion, of which we have formed an idea, of the irregularity with which the previous one had been made.

The paper No. 2 represents the products of the tithes, within a period of five years, from 1805 to 1819, selected as an example, it being the close of the period when the province of Concepcion was united to that of Santiago; observing, however, that for the ten years previous to this time the tithes of Santiago have produced the same, with little difference from those of the before-mentioned term of five years.

The statement No. 3 exhibits a view of the coinage for the year 1817, and of the present, until this day; producing from coined gold and silver one million six hundred and ninety-five thousand nine hundred and twenty-five dollars and seven rials, leaving a profit to the State of two hundred and forty-eight thousand one hundred and fifty dollars and two and three-fourths rials. But from this statement an idea of the products of the mines cannot be drawn with exactness, but only approaching to the truth, without (in such case) taking into the account, for that purpose, the value of metals withdrawn by contraband, and employed in the fabrics made up by the silversmiths for the use of the country.

By the statement No. 4 are shown the receipts and expenditures of the public treasury since the 13th of February, 1817, until the end of December of the same year; but it must be observed that there are not comprehended in it some receipts of much importance, which, by their uncertain nature, ought not to be entered in that account

By the statement No. 5 are seen the receipts and expenditures of the national treasury in the six past months of the present year. It will, however, be proper to observe, that the receipts which will be had in the six ensuing months, it is clear, may be more from other sources than those shown in this statement, which have not for the present been brought into the treasury, except a very small part of the tithes; and there are very great sums which are payable for particular duties.

In the statement No. 6 is presented, at the foot, the strength of our veteran troops, and of the militia, according to the last muster that has been rendered of them.

Finally, in No. 7 are expressed our ships of war and privateers, which up to this day have been armed in this country.

These being the only documents I have been able to make out for you in the short space of time that has been allowed me for it, I hope they may be sufficient for you, and come up to your expectations.

God grant you many years of health.

ANTONIO JOSE IRISARRI.

THEODORICK BLAND, Esq.

No. 1.

A list of the cities, ports, and towns, within the State of Chili.

Cities.—Santiago, Concepcion, Talca, Coquimbo, Valparaiso, Chillan, Rancagua, Valdivia, Osorno, Los Angeles.

Ports.—Valparaiso, Coquimbo, Guasco, Copiapo, El Gobernardo, Talcahuana, San Vicente, Arauco, Valdivia.

Towns.—Copiapo, Guasco, Guasco-alto, Illapel, Ligna, Petorca, Quillota, Casablanca, Melipilla, Andes, Aconcagua, San José, San Fernando, Curico, Caquenes, Linares, San Carlos, Parra, Quirihue, Ninhue, Florida, Yumbel, Coclemu, Puchacay, Talcahuana, San Carlos, Santa Juana, Nacimiento, Talcamabida, Santa Barbara, Colcura, San Pedro, Arauco, Hualqui, Reri, La Alaxa.

The population of this country, according to the last census, is computed at one million two hundred thousand souls.

No. 2.

A statement showing the value of the tithes of the Provinces of Concepcion and Santiago, in a period of five years, between the years 1805 and 1809.

| Years. | | | | Santiago. | Concepcion. |
|-----------|---|---|---|-----------|-------------|
| 1805 | - | - | - | \$140,728 | \$63,582 |
| 1806 | - | - | - | 158,178 | 65,450 |
| 1807 | - | - | - | 145,293 | 69,788 |
| 1808 | - | - | - | 154,578 | 69,212 |
| 1809 | - | - | - | 148,828 | 68,422 |
| Total | | | | \$747,605 | \$336,454 |
| Sum total | | | | - | \$1,084,059 |
| Average | | | | - | 216,811 4-5 |

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No. 3.

A statement showing the number of tesos of gold and bars of silver that have been received into the mint in all the year 1817, and from the 1st of January until the 3d of July of the current year; distinguishing that which has paid the quint from that which has been coined in both metals in the same time; all taken from the books of the accountant.

| Periods of receipt. | No. of tesos of gold. | Alloy of 22½ quintals. | Castellanos made. | A. 20 R. marks valen. | Paid for quintos. |
|-----------------------|-----------------------|------------------------|-------------------|-----------------------|-------------------|
| In the year 1817 - | 210 | 5,974 6 0 3 3 | 298,738 | 781,990 5 | 31,279 4½ |
| In the same year - | 7 | 166 6 3 0 10 | 1,340 | 21,831 8 | |
| Until 3d July, 1818 - | 86 | 1,689 1 6 2 0 | 84,461 | 221,089 0½ | 8,843 4½ |
| | 303 | 7,830 6 2 0 1 | 391,532 | 1,024,910 6½ | 40,123 1½ |

| Periods of receipt. | Bars of silver. | Of 11 deneros. | Valen A. 8 ps. 2 marks. | Paid for quintos. |
|----------------------|-----------------|----------------|-------------------------|-------------------|
| In the year 1817 - | 254 | 32,318 0 1 | 258,781 6 | 29,371 6 |
| Chafalonia - | 124 | 18,756 2 0 | 150,187 7½ | |
| Until 6th July, 1818 | 141 | 23,236 7 4 | 186,066 2½ | 21,118 4 |
| Chafalonia - | 65 | 9,486 1 2½ | 75,959 0½ | |
| | 584 | 83,797 2 7½ | 671,019 0½ | 50,490 2 |

SUMMARY OF PROFITS.

| | | | | |
|------------------------------------|---|---|---|--------------|
| The coinage of metals has produced | - | - | - | \$131,869 3½ |
| From quintos paid | - | - | - | 90,613 3½ |
| For the purchase of Chafalonia | - | - | - | 25,667 4 |

Total of profits, - - \$248,150 2½

Which shows that of the 303 tesos of gold which have been received in the mint since the 1st January of the year 1817, until this time, there have been paid for the quintos 40,123 dollars 1½ rial; and from the 584 bars of silver, which in the same time have been received, 50,490 dollars 2 rials; which, with the 131,869 dollars 3½ rials, have yielded of profit to the operations of the mint from both metals, and the 25,667 dollars 4 rials that have been derived from the bars of Chafalonia, a total amount of profits of 248,150 dollars 2½ rials.

ACCOUNTANT OF THE MINT OF THE STATE OF CHILI, SANTIAGO, July 6, 1818.

JOSE SANTIAGO PORTALES.

No. 4.

A general statement showing the receipts and expenditures of the public treasury of the State of Chili since the 13th of February, 1817, when the victorious army of the Andes entered the capital, until the end of December of the same year.

RECEIPTS.

| | | | | | | |
|---|---|---|---|---|---|-------------|
| 1. Receipts of the hacienda, collectively, | - | - | - | - | - | \$154,889 4 |
| 2. Proceeds of the mint, in aid of the treasury, | - | - | - | - | - | 80,043 6 |
| 3. Receipts of the custom-house, | - | - | - | - | - | 251,080 5 |
| 4. The duties on tobacco, | - | - | - | - | - | 183,993 7 |
| 5. The quintos and duties on the mines, | - | - | - | - | - | 63,840 4 |
| 6. Bulls for crusades and indulgences, | - | - | - | - | - | 2,515 3 |
| *7. Monthly contributions of the city and districts, | - | - | - | - | - | 80,168 0 |
| 8. The tithes closing with the year 1816, and those anterior, | - | - | - | - | - | 75,047 3 |
| 9. Voluntary donations, in aid of the treasury, to purchase arms, | - | - | - | - | - | 155,704 0 |
| 10. Forced loans, mullets, and sequestrations | - | - | - | - | - | 872,702 2 |
| 11. Imposts on flour, liquors, and other articles, | - | - | - | - | - | 30,620 5 |
| 12. From quicksilver, powder, and stamped paper, | - | - | - | - | - | 11,302 2 |
| 13. Toll on the road from Anconcagua, | - | - | - | - | - | 1,029 0 |
| 14. Receipts from the temporalities, or estates of the Jesuits, | - | - | - | - | - | 11,406 1 |
| 15. From hides, | - | - | - | - | - | 3,000 0 |
| 16. From the weighmaster, | - | - | - | - | - | 10,053 3 |
| 17. From the cargo of the prize, the frigate Perla, | - | - | - | - | - | 22,743 7 |
| 18. Deposites, until ascertained to whom they belong, | - | - | - | - | - | 38,580 7 |
| 19. Discounts on the salaries on the civil list, | - | - | - | - | - | 4,546 2 |

\$2,003,208 1

* This contribution has been entirely abolished.

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EXPENDITURES.

| | | | | | | | |
|---|---|---|---|---|---|------------|----------------------|
| 1. | Paid to the troops of the army of the Andes | - | - | - | - | - | \$393,222 6 |
| 2. | Remittances to the army of the south, and bills drawn by its commissary | - | - | - | - | - | 295,522 3 |
| 3. | To Valparaiso and Coquimbo, for the expense of the service | - | - | - | - | - | 74,404 5 |
| 4. | Effects taken in Mendoza for the army of the Andes | - | - | - | - | - | 20,555 5 |
| 5. | To Buenos Ayres, Peru, and Concepcion, in the new coin of Chili | - | - | - | - | - | 4,000 0 |
| 6. | Debts contracted by the State in 1814 | - | - | - | - | - | 12,720 0 |
| 7. | To the Military Hospital, and that of St. John the Divine | - | - | - | - | - | 22,793 4 |
| 8. | Military pensions and pious donations | - | - | - | - | - | 10,619 4 |
| 9. | Sequestered property returned | - | - | - | - | - | 14,289 3 |
| 10. | Civil salaries | - | - | - | - | - | 57,011 0 |
| 11. | Rents due from the consolidated capital of the Jesuits | - | - | - | - | - | 5,039 5 |
| 12. | Extraordinary expenses of the hacienda | - | - | - | - | - | 47,267 5 |
| 13. | The troops of the State of Chili, including those of the South | - | - | - | - | - | 80,833 2 |
| 14. | To the commissary and quartermaster of the army, for food and clothing | - | - | - | - | - | 324,183 2 |
| 15. | The expense of the armory | - | - | - | - | - | 171,680 3 |
| 16. | Extraordinary expenses of the war | - | - | - | - | - | 360,215 2 |
| 17. | Pensions charged on the Jesuits' estates | - | - | - | - | - | 3,632 5 |
| 18. | The expense of the tribunal of the mines | - | - | - | - | - | 8,009 3 |
| 19. | For the work of Maipu | - | - | - | - | - | 17,500 0 |
| 20. | The expense of the weighmaster's establishment | - | - | - | - | - | 5,201 0 |
| 21. | Deposites paid, the right to which was ascertained | - | - | - | - | - | 5,167 7 |
| | | | | | | | <u>\$1,960,870 3</u> |
| Remaining to the State— | | | | | | | |
| In the possession of our deputy in Valparaiso | | | | | | \$29,782 0 | |
| In the possession of our deputy at Talca | | | | | | 2,089 3 | |
| In payments, on account of artillery | | | | | | 10,466 3 | |
| | | | | | | | <u>42,337 6</u> |
| | | | | | | | <u>\$2,003,208 1</u> |

GENERAL TREASURY OF SANTIAGO, December 31, 1817.

RAFAEL CORREA DE SAA,
JOSE XIMENES TENDILLO.

No. 5.

A general statement of the receipts and expenditures of the National Treasury of the State of Chili, from the 1st of January, 1818, to the end of June of the same year.

RECEIPTS.

| | | | | | | | |
|-----|--|---|---|---|---|---|-----------------------|
| 1. | Receipts of the hacienda, collectively | - | - | - | - | - | \$28,216 6 |
| 2. | Proceeds of the mint | - | - | - | - | - | 123,738 2½ |
| 3. | The receipts of the custom house | - | - | - | - | - | 211,826 1½ |
| 4. | The duties on tobacco | - | - | - | - | - | 11,907 1 |
| 5. | The quintos and duties on the mines | - | - | - | - | - | 48,240 5 |
| 6. | Bulls for crusades and indulgences | - | - | - | - | - | 6,300 2 |
| 7. | From quicksilver, powder, and stamped paper | - | - | - | - | - | 21,684 0 |
| 8. | Proceeds of the Jesuits' estates | - | - | - | - | - | 912 4 |
| 9. | Various imposts in aid of the Treasury | - | - | - | - | - | 38,673 3½ |
| 10. | From voluntary donations | - | - | - | - | - | 53,786 0 |
| 11. | Forced loans, mulcts, and sequestrations | - | - | - | - | - | 370,160 2 |
| 12. | Tithes paid into the Treasury | - | - | - | - | - | 11,487 4 |
| 13. | From the cargo of the Perla | - | - | - | - | - | 58,044 1 |
| 14. | Deposites, until ascertained to whom they belong | - | - | - | - | - | 17,656 5 |
| 15. | From the weighmaster | - | - | - | - | - | 10,200 4½ |
| 16. | From hides | - | - | - | - | - | 1,000 0 |
| | | | | | | | <u>\$1,013,434 2½</u> |

EXPENDITURES.

| | | | | | | | |
|----|---|---|---|---|---|---|--------------|
| 1. | To the commissary of the army of the Andes | - | - | - | - | - | \$160,370 7½ |
| 2. | To the commissaries of the armies of the South and West | - | - | - | - | - | 156,922 6 |
| 3. | To Talca, Valparaiso, and Coquimbo, for expenses of the service | - | - | - | - | - | 26,505 6½ |
| 4. | Troops paid from the general treasury | - | - | - | - | - | 165,079 3 |
| 5. | Civil salaries | - | - | - | - | - | 31,493 7 |
| 6. | Ordinary and extraordinary expenses of the hacienda | - | - | - | - | - | 14,973 7½ |
| 7. | Return of some loans made to the Treasury | - | - | - | - | - | 2,550 0 |
| 8. | Return of quintos improperly exacted | - | - | - | - | - | 1,370 1½ |
| 9. | Military pensions and pious donations | - | - | - | - | - | 7,849 1 |

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| | | | | | | | | |
|--|---|---|---|---|---|---|---|-----------------------|
| 10. Sequestered property returned | - | - | - | - | - | - | - | \$3,674 4½ |
| 11. Pensions charged on the Jesuits' estates | - | - | - | - | - | - | - | 1,296 0 |
| 12. To the tribunal of the mines | - | - | - | - | - | - | - | 2,774 1½ |
| 13. To the hospitals | - | - | - | - | - | - | - | 11,648 6 |
| 14. Returns from the mint | - | - | - | - | - | - | - | 27,408 1 |
| 15. Expenses of the weighmaster's establishment | - | - | - | - | - | - | - | 1,051 3½ |
| 16. For the work of Maipu | - | - | - | - | - | - | - | 1,900 0 |
| 17. Extraordinary expenses of the war in our armament, in our army, provisions for the army, &c. | - | - | - | - | - | - | - | 260,191 2 |
| 18. Consolidated arrearages of debts | - | - | - | - | - | - | - | 122,281 7½ |
| 19. Paid on account of deposits | - | - | - | - | - | - | - | 6,949 4½ |
| 20. Interest on consolidated capital | - | - | - | - | - | - | - | 1,237 2 |
| 21. For the making of powder for the mines | - | - | - | - | - | - | - | 1,867 3½ |
| 22. For the purchase of salt, on account of the State | - | - | - | - | - | - | - | 1,490 6½ |
| | | | | | | | | <u>\$1,010,047 2½</u> |
| Remaining in the treasury | - | - | - | - | - | - | - | <u>3,386 7½</u> |
| | | | | | | | | <u>\$1,013,434 2½</u> |

GENERAL TREASURY OF SANTIAGO, June 30, 1818.

RAFAEL CORREA DE SAA,
JOSE XIMENES TENDILLO.

No. 6.

A statement representing the strength of the regular army, and of the militia of the State of Chili, including that of the Andes.

| REGULAR TROOPS. | | |
|--|---|---------------|
| 10 battalions of infantry, of 600 each | - | 6,000 |
| 3 regiments of cavalry | - | 1,400 |
| 2 battalions of artillery, of 500 each | - | 1,000 |
| | | <u>8,400</u> |
| MILITIA. | | |
| 20 battalions of infantry, of 720 each | - | 15,400 |
| 22 battalions of cavalry, of 600 each | - | 13,200 |
| 3 companies of artillery | - | 360 |
| | | <u>28,960</u> |

Note. There is actually forming a marine brigade of artillery of one hundred and fifty men, and there will be organized, in a few days, a marine brigade of five hundred.

EST. MAX. DE SANTIAGO DE CHILI,
July 8, 1818.

No. 7.

A statement of the vessels which compose the national marine of Chili, and the privateers that have been commissioned.

| VESSELS OF WAR. | | |
|----------------------------|---|----------|
| The ship Lautaro, of | - | 52 guns. |
| The frigate San Martin, of | - | 36 " |
| The frigate Chacabuco, of | - | 22 " |
| The corvette Coquimbo, of | - | 22 " |
| The brig Aquila, of | - | 18 " |
| The brig Buenos, of | - | 14 " |
| Three gunboats. One sloop. | | |

PRIVATEERS.

The ship Minerva; the brig Chilino; the brig Furioso; the brig Rayo; and the brig Maipu.

These are the privateers commissioned by the Secretary of Marine, but it is not yet known whether any

have been armed by virtue of commissions sent to Buenos Ayres, and other points of America; nor, for the present, the particulars relative to the arming of some other vessels.

SANTIAGO, July 8, 1818.

D.

Proclamation of the Independence of Chili.

THE SUPREME DIRECTOR OF THE STATE.

Force has been the supreme reason which, during upwards of three hundred years, has maintained the new world under the necessity of reverencing as a dogma the usurpation of its rights, and seeking therein the origin of its most important duties. It was evident that a day should come when this enforced submission should cease; but, in the meantime, it was impossible to anticipate it; the resistance of the inferior against the superior stamps, with a sacrilegious character, his pretensions, and serves only to discredit the justice upon which they are founded. For the nineteenth century was reserved the spectacle of hearing innocent America claim her rights, and show that the period of her sufferings could continue no longer than that of her debility. The revolution of the 18th September, 1810, was the first effort Chili made towards accomplishing these high destinies, to which she was called by time and nature. Her inhabitants have given, since, proofs of the energy and firmness of their will, scorning all the vicissitudes of a war, in which the Spanish Government has wished to show that her policy towards America will survive the overthrow of all abuses. This conviction has naturally suggested to them the resolution of separating themselves from the Spanish monarchy, and proclaiming their independence in the face of the whole world.

But the actual circumstances of the war not permitting the convocation of a National Congress to sanction the public vote, we have ordered

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that a register should be opened, in which all the citizens of the State might declare for themselves, free and spontaneously, their votes for the urgent necessity of the Government proclaiming immediately their independence, or for delaying it, or for the negative; and, having found that the generality of the citizens have, irrevocably, decided for the affirmative of this proposition, we have thought proper, in the exercise of the extraordinary power with which we have been vested by the people, for this particular case, to declare solemnly, in their names, in the presence of the Almighty, and to make known to the great confederation of mankind, that the continental territory of Chili, and her adjacent islands, form, in fact and right, a free, independent, and sovereign State, and are forever separated from the monarchy of Spain, and fully qualified to adopt the form of government most convenient to their interests. And, in order that this declaration may have all the force and solidity which must characterize the first act of a free people, we warrant it with the honor, life, fortunes, and all the social relations of the inhabitants of this new State, pledging our word, the dignity of our station, and the honor of the arms of our country; and we order that, with the books of the grand register, the original act shall be deposited in the records of the corporation of Santiago, and circulars despatched to the towns, armies, and corporations, to have it sworn to immediately, in order that the emancipation of Chili may be confirmed forever.

Given at the Directorial Palace of Concepcion, on the first January, 1818, signed with my hand, and countersigned by our Ministers and Secretaries of State, for the Departments of State, Treasury, and War.

BERNARDO O'HIGGINS.

MIQUEL ZANARTU,
HIPOLITO DE VILLEGAS,
JOSE IGNACIO ZENTENO.

E.

Manifesto, addressed to all nations by the Supreme Director of Chili, on the motives which justify the revolution of that country, and the declaration of its independence.

When the justice of the cause of America is no longer an object exclusively consigned to the pens of philosophers, who so vigorously anticipated its defence that their writings were condemned by the inquisition; when, to examine this cause, all civilized nations are now at work, judging rather by the probable issue of its struggle than by the rectitude of the principles of our emancipation, in which they are all unanimously agreed, (for these principles are no other than those proclaimed by Spain in the maintenance of her own sovereignty, and in the vindication of her resistance against the oppression of the French;) in fine, when the succeeding generations are not in need of having recourse to the press to know the history of our events, better preserved on the pages of liberty, from age to age,

by tradition, it may seem unnecessary to produce the reasons which actuated the inhabitants of Chili to declare their independence, if custom and respect for the dignity of other nations, at whose side we are going to range ourselves, did not make it requisite, besides being justly expected as due to our own honor.

Indeed, for the happiness of mankind, that gloomy era is at present no more when the learned of Europe were lamenting the shameful state of the colonies; yet in us it was considered a crime to complain. At that epoch, even all the recollections of the conquest were forbidden, save only to praise the bloody arm of the usurpers. Those times of chivalry, when the absurd practice of duelling arose, and which gave birth to the pretended right of the strong, exist no more; but this right, obscure in itself, and as inconsistent as *violence and consent*, without which no man can exercise dominion over his fellow-creatures. Abuse undermined the very foundation of the right erected upon it; for the subjects were free to recover their liberty by force, or the manner of their losing it was illegal.

Such is the fact with respect to America: Spain invading our coasts under the sacrilegious pretence of religion, profaned by those false apostles—men who came to preach the gospel, but searched only the mines of the mountains, as the surgeon who comes only to bleed looks after the blood vessel, but never after attempted to legalize this hideous title, at least by that expedient which statesmen devise to give validity to the famous diploma of conquest, the consent and ratification of the people. Instead of this, America, without the least participation in the Cortes convened, and subservient to the capricious will of the monarch, was bound by the superstition of an oath, administered without authority by a municipal officer who had indecorously procured his office at auction; and precluded from discussing the motives of her passive obedience—condemned in short to slavery, without the privilege of remonstrance—she would have lost with the liberty of speech even the recollection of her wrongs, if it had been as easy to forget as to be silent. But these evils were repeated by a fixed system in the policy of the tyrants, and our complaints suffocated in the noise of our chains. The insolence of the oppressor increased with our patience.

The miserable residue of the aborigines, who survived so many millions of victims, and who moved and roved in different tribes, as the piles of sand in a desert, preserve in their mournful history the memory of their persecutions, and show very clearly their repugnance to the yoke in the perpetual war they have always carried on against our frontiers, and which interrupts our tranquillity. What argument, then, can Spain produce in her favor, hated as she is by the natives, and resisted by the sons of the conquerors so soon as they were able to make known their wishes without the impending fears of the dungeon? We claim that right which a slave may claim against a cruel master; the right of a man who, arrived at the age of maturity, feels able to provide for

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himself by his own exertions and industry; the right of a person whose minority has expired, but who is generous enough not to call his guardian to an account; the right of a clerk, richer than his employer, who, instead of expecting protection, can offer support. But all these examples fall very far short of our case. We hold this land as our country by birthright. We here first saw the light and received the civilization of the age.

All the efforts of tyranny cannot prevail against this right of nature. We compose a civil association, as free as that formerly conquered. Yet Spain, not less cruel to either or both of them, adhering to her system of death and desolation, has afflicted us by her laws with all the horrors committed during the conquest. Let us pass in silence that code of the Indies calculated for the education of slaves under the ecclesiastical feudalism of the curates and the shocking lordships of the *encomiendas*. That humble portion of the species for whom the barbarous decrees of the *Isabellas*, *Ferdinands*, *Philips*, and *Charleses* were promulgated, exists no longer in our community. A more enlightened people have followed after those devastations, who are, of course, the more sensible of the infamy of the three centuries preceding. The sister provinces, who, before us, have constituted themselves independent States, have already produced to the world a picture of vexations so horrid as excites the astonishment of nations at our sufferings and our patience, and have saved us the trouble of repeating it in this exposé; for the system of oppression and depredations has been universal, and the ravages of servitude, supported by the contrivances of the most inhuman despotism, too common.

The object of government being no other than to procure to men the security and prosperity of society, how can it be supposed that the people of America would have submitted to misery and humiliation? Who would believe that Americans, possessing the most precious soil in the universe, would submit to live in it only to moisten its fields with their tears, and to obey sacrilegious edicts inhibiting the productions of nature? For olive trees and vines were ordered to be pulled up by the roots in Chili,* that they might receive oil and wine from the Peninsula. Were we to take from Cadiz the regulations of our passive trade? Were we, in this exclusive intercourse, to live fettered by restrictions similar to those exercised by the Government of Juan Fernandez over miserable convicts? Were we to see our coasts abandoned to the enterprise of every invader, and yet Spain draining from us fifty millions of dollars in duties under the pretence of its defence, with vessels which never appeared but to commit hostilities against ourselves? Were we to be excluded from intercourse with other nations; to be condemned to buy for ten what they may sell to us for one; and to see all foreigners driven from Chili with the literature of their

language?† That under a monopoly of every kind, and even of ideas, the freedom of the press and of thought prohibited, and our university forbidden from discussing the pretended prerogatives of the monarch of the Indies, lest the title of his void and shameful dominion should be known? In short, that when our archives were stuffed with regulations of etiquette and ceremonies about the appeals called the *one thousand and five hundred*, bought with the substance and despair of the petitioner,‡ and, respecting *pecuniary privileges*, which from the distance of three thousand leagues were distributed to the highest bidder, we should be indifferent to our fate, and ought to receive with cheerfulness the gifts of our masters.

How was it practicable for them, amidst the intelligence of the age, to preserve their pretensions, after we had become ashamed of so many years of suffering, after our rude infancy was over, and when we had been more marked for our unfortunate habitual obedience, than the conquest of America for its importance to the three quarters of the globe then known? Has not the moment yet arrived for cancelling the debt contracted by the pledge of the jewels of *Isabella* for the expedition of *Columbus*? Are we yet debtors, after the millions exported to Madrid? No; the revolution of Spain and the obstinacy of our executioners have placed in our hands the power of casting off the burden. To suffer this favorable occasion to pass by, is to become responsible to posterity. To learn our rights from the instructions given by Spain herself, and yet not to secure them in a solid *independence*, would be a crime deserving the execration of our sons, and the opprobrium of the present generation. We have declared it, and the sighs forced from us by the hostilities of our unreasonable antagonists shall be sweetened by the satisfaction of insuring to the offspring of the conquerors that *liberty* of which the Spaniards stripped their ancestors.

We want—we can—then we ought to be free.

Here is a conclusion drawn most precisely from antecedents, as evident in fact as in right.

We shall not question Spain any more about the right she can plead against us. Let us consider those she has alleged in favor of her sovereignty, after the imprisonment of Ferdinand; let us regard her conduct; let us compare her proceedings with ours; and, mindful of her circumstances and station, we must inevitably conclude in favor of the justice of our own cause.

The news of the coronation of Ferdinand reached us together with the tidings of his imprisonment, and the mysterious history of the scenes of the

* An order of the 1st of September, 1750.

† A famous appeal in the Spanish jurisprudence, known by the name of *one thousand five hundred*, from the supreme court in Spain, where, to revise the case, it was necessary to enter into a bail for that amount of rials. The slowness of its proceedings passed for a proverb, and, by the people, the name of *one thousand five hundred* was understood to be the number of years for the trial.—TRANSLATOR.

* By a royal command, by advice of the Council of the Indies, (cédula of 15th October, 1767.)

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Escorial, Aranjuez, and Bayonne. At that very time, the Junta of Seville invited us to send deputies to the Central Government; for America having no part in such a centre, it was quite unworthy of that name;) for the first time America was declared "to be an integral part, equal in rights to the rest of the monarchy, and no more a colony or factory, as were those of other nations;" she was informed of the establishment of the provincial Juntas, their object, form, and attributes; she heard the noble privileges of man, the sacred principles of the social compact; the rights of the people, and the return to the exercise of sovereignty, held before by the King as their agent, then disabled to continue in his functions in virtue of his captivity; finally, we were assured of the happy prospect of having a constitution to restrain the arbitrary conduct of Government, and guaranty the citizen in the protection of the law by his representatives in a National Congress.*

The stroke of light was too strong not to penetrate the most obscure mind, not to raise the most thoughtless spirits. The idea of the sovereignty excited that instinct of *independence* born with man. Yet, united to the fate of the Peninsula, it formed in the heart a contrast between the habitual wishes for the prosperity of the metropolis, and the necessity of providing for us in case of that country falling under the victorious armies of France. The diffident and menacing vigilance of our chiefs inclined the scale to this side, and induced us to believe that the generous exceptions of the liberal from the other side of the Atlantic were mere artifices to maintain America yoked to the chances of fortune. Besides this, every criticism on the events of Spain was deemed a treason; and to repeat the flattering proclamations of her Government was in us considered as the sound of perfidy. Our assemblies were closely watched, and every man of sense had a sentinel placed over him. This was the plan formed in the closets of the inferior tyrants. At Venezuela, the citizens Ortiga, Rodriguez, and Ianz, were exiled from their families by Emparan; Roxas, Ovalle, and Vera, in Chili, by Carrasco. That Governor ordered his assessor to be admitted to his functions forcibly; here Carrasco, surrounded by bayonets, gave possession to a like officer of the first seat in the Cabildo. At that moment fears began to be superior to hope, and personal freedom began to engage the sentiments of the people. With some doubts about the fidelity of the chief, a part of the inhabitants observed that the conduct of this man was in contradiction with the promises of the Spanish Government; and from Spain he was advised that the greater part of her ministers, counsellors, generals, nobles, and bishops, had adhered to the French party.† We noticed the removal from office of the Peninsula's chiefs; the

inactivity of their successors; and the expedient adopted by the people for their safety, in the erection of juntas. The news of one having been established at Buenos Ayres put Chili in motion. Carrasco hoped to pacify it by the hypocritical recall of the exiles, which was detected and treated as a fraud, and the governor deposed. The Spaniards residing at Santiago were the most strenuous for his removal, and the command was conferred on brigadier Count de la Coriquista, as senior officer, according to ancient regulations. The oidores trembled at the aspect of this alteration, which seemed to them a presage of the expiration of their authority; their consciences accused them of having subscribed too pliantly with their advices the treacheries of Carrasco. They believed that the occasion for promoting discord agreeably to the secret order of 15th of April, 1810, had arrived; and, in fact, they excited it between Americans and Spaniards. A meeting was proposed from the most respectable persons of both parties; and the result was to convene the people for the 18th of September. On this ever memorable day was established the Supreme Junta to rule over the country in the name of Ferdinand VII., with submission to the regency erected in Spain over the ruins of the Central Junta. The then sympathy for the misfortunes of a suffering King, the habitual respect, and the spirit of imitation, were more powerful than the sense of our rights. Yet, called by the order of events, the intelligence of the age, and a just regard to our interests, there were heard, even then, some voices for independence.

Our new Government was approved by the regency. But this approbation was a snare to the candor and generosity of Chilianos, to make them a prize to the contemplated bloody invasion which was ordered to be made by the Viceroy of Peru. We should have calculated on this after seeing our brethren in Buenos Ayres proscribed, Carracas blockaded, and the tyrant Melendez directed to practise the most cruel severities.* Thus it was, amidst our most frank intercourse with Lima, in the season when our produce was exported to Callao, when \$120,000 had just been acknowledged to have been received in Spain† by this consulate, and of \$200,000 by the treasury, together with a voluntary contribution to assist Spain in her afflictions, that, as if waiting for this assistance to proceed to our extermination, Pareja landed at St. Vincentas with the army of devastation, in the name of Ferdinand VII.

Then we brought to our recollection what the regency had told us;‡ that to this name would be forever united the epoch of the regeneration and happiness of the monarchy in both hemispheres; that our destinies did no longer depend on the viceroys and governors; that they were in our

* Orders of the 19th and 20th March, of the 30th September, 1808; of the 1st and 22d January, and the manifesto of the 28th October, 1809.

† Orders of the 28th of July, 1808, of the 14th of February, 23d of March, and 24th of May, 1809.

15th CON. 1st SESS.—71

* Orders of the 2d of August, and 4th September, 1810.

† Letter from the Spanish Government of 15th August, 1810.

‡ Manifesto of the 14th of February, 1810.

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own hands; and we asked ourselves what that equality of rights was with which they had flattered us, when, on making use of it, they judged us "guilty of high treasonable innovation." We looked to the causes that produced the regency in Spain, and we argued thus: "The people of the Peninsula have founded their revolution on no other title but the exigency of the circumstances. Why should not the people of America be proper judges, as well as the people of Spain, to decide whether they are, or are not, in the same pressing necessity? From the moment the Regency and the Cortes proclaimed, as the only base of their authority, the sovereignty of the people, they lost all pretension to command any people who wish to exercise their own. If the sovereignty emanate from the Spanish people, and if that people have no power over the Americans, who, as Spain, are an integral part, and the principal part of the nation, why could we not ourselves represent the King, and act in his name, as is done by the same persons who declare us rebels? Have they received from the captive some special commission, which has not reached us, besides the order from Bayonne, to admit the new dynasty of Napoleon, which they resist with so much heroism? And what with them is a virtue and a right cannot be with us a crime. If Spain does not submit to the French, although they intend to command her *in the name of Ferdinand*, and by virtue of his resignation, with more reason shall we repulse those who bring war to us in that same name, because we have preserved him at the head of our Government, and lavished an undeserved gratitude to persons who were traitors to their own principles."

Thus we were undeceived about the true meaning of those theories as brilliant as they were seducing, and we discovered, on the reverse of the talisman, that, under pretence of restoring him to the throne usurped from his father, they concealed the fraudulent design of stamping on us and our posterity a more fatal slavery than in former times, and that this was their urgent motive for ordering all the schools to be closed, that we might only be employed in remitting to Spain men, money, provisions, with blind obedience.* Then we cast our eyes on the map, we considered the natural and political position of Spain, and we were amazed that we had not, for so many years, dropped the curtain in this comedy, where the performers from the small theatre of a peninsular angle of Europe have kept in silent admiration a whole world, without tiring and disgusting us by the uniformity of a plot conducted though the wiles of mere intrigue, and the de nouement of which could visibly be no other but the discharge of a thousand lightnings on the spectators.

We reflected, and said to ourselves, "Shall twenty-two thousand square leagues, and a million of inhabitants, animated with the temper and sobriety of the Araucanos, be kept depending on a point of the old hemisphere, which begs its

resources from us, which perishes without them, lives by them, and endeavors to destroy us with them? Since when has the distinction of social relations been so absurd, that the maimed must serve his crutches? that the infant's mouth changes the milk into blood, to spit it into the face of his nurse? that the needy rises up and wishes to command his benefactor? Whence did that legislation spring, by which neither mature age, nor sound judgment, nor opulence, nor proper disposition for administration, nor superiority of forces, nor any of the many elements favorable to individual liberty, cannot procure liberty to a whole nation? Who has dictated that code which authorizes the treacherous and ungrateful to be adored by the offended, and have their crimes sanctioned? And who has deprived us of our intellects, that we do not discover the cruelties of Spain, even in the imprudent gifts of her favors? Called to the Cortes, with an equal representation, we see a member for every thirty thousand peninsulars, and hardly a million of us is a sufficient number to elect one! There the suffrage is popular; here it is consigned to the vote of a president, under the sanction of corporations. There the form of elections does not vary; here each mail brings us new forms, with the view that we should never be represented by any power than that of substitutes, introduced with as much legality as the deputies of the Congress of Bayonne; some unknown to the people they represented, and others objected to expressly by their constituents; not one of them with proper credentials, and every one of them placed there by peninsular influence.* There they trade freely with all nations; and here they shut our ports to even vessels from England, to whose alliance Spain owes all her power; and they are not ashamed to declare as null and void a decree of the 17th of March, 1809, which it was supposed was favorable to a free trade.† There, all foreign periodical papers, literary productions, liberal opinions of statesmen and philosophers, formerly stifled by despotic terror, and now rendering homage to nature and to the elements of civilization, are freely circulated; and here they have prescribed even national productions, the liberty of the press, and all writings relating to the Spanish revolution, except the ministerial papers of the regency, recommending to the inquisition the most scrupulous and responsible vigilance,‡ and pretending that, to enlighten Chili, it was only necessary to send twenty missionaries in Chillan, in order that the holy religion should not be lost for want of ministers. Such is, in 1810, the language of the regency who orders our treasury to pay the passage of those fanatics, to the great honor of our priests, and the piety and understanding of the country.¶ Such is the

* Orders of October 6, 1809, and 29th March, 1810.

† Orders of 10th July, and 27th June, 1809.

‡ Cedula of 1st January, 1809, and orders of 31st April, 1810.

¶ Orders of the 13th and 19th July, 1809.

* Order of the 30th April, 1810.

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grand system of equality and elevation they offer us. Such is the expression of flattery they have substituted for the deceits with which they formerly robbed the artless Indians of their treasures, and with which flattery they intend to deprive us of our feelings and instinct, accompanying these words with bayonets, that they may exterminate us in case we should rely in the faith of their promises. What decency and circumspection in these pretended sovereigns!"

As we were taken up with these considerations, at the light of the fire of the war they had kindled, we felt ashamed of our improvidence and generosity, and a universal cry of independence was the effect of remorse drawn out by justice and the sight of our evils. The least of those motives we were contemplating was sufficient to declare independence. However, satisfied with the hopes of a triumph, which, by undeceiving our aggressors, should reduce them with the arms of persuasion, we delayed this august act to which we were compelled by nature, time, and our successes. We fought and vanquished. Our arms, covered with glory in the battles of Yerbas Buenos, San Carlos, El Roble, Concepcion, Talcahuana, Cucha, Membrillar, and Quechereguas, brought us to that crisis in which, the forces of the new General Guinza driven to the small precincts of Talca and annihilated, we might impose law on the man who brought us the Spanish constitution—that crafty piece, which, under the appearance of liberty, contained only the conditions of slavery for America, who had not concurred in its formation; nor could she have been represented by the thirty-one substitute deputies legislating amidst the one hundred and thirty-three Spanish representatives. We could wish to consign to eternal oblivion that fatal epoch in which all the intrigues of perfidious Spain were contending against the magnanimity and openness of the Chilino character. Who could believe that, in a crisis so favorable to our undertakings, and so fatal to the self-styled national army, the capitulations of the 3d of May, 1814, would have been effected?

It is necessary to save us the shame of analyzing them. Suffice it to record, that being ratified by our Government, guarantied by the mediation of Commodore Hillyar, with powers from the Viceroy of Peru, accepted by the chief of the troops of Lima, our troops withdrawn, the prisoners restored to the enemy, and the people obliged to acknowledge peace solemnly proclaimed, it became necessary to assist the invaders to whom it was then impossible to move, and accept their nullity as an apology for their remaining employed in treasons at Talca, which place was to have been evacuated in thirty hours. They had hardly left our city and crossed the Maule, when Guinza pressed every spring to make up his losses; he recruited, assembled, and disciplined another army, which he spread in the province of Concepcion. In the recruiting he spent all the money which was destined, through him, to repair the losses sustained by the inhabitants; he laid hands on all the funds; he ap-

pointed judges; and, in a word, he set up for lord and master of that same ground which he had agreed to evacuate in two months, until the arrival of Osorio, who renewed hostilities, and threatened to put everything to fire and sword unless we surrendered at discretion,* and opened our bosoms to the proclamations and pardons of his vizier.† It was too late to trust in the carresses of the lion who concealed his claws under the folds of the standard of war; we knew the consequences of the pardons granted in Mexico, Venezuela, Quito, Huanuco, and Upper Peru. These summonses excited our alarm; but in what circumstances, when with the views of the restoration of Ferdinand to the throne, we had just received his decree annulling the regency, the Cortes, their orders and constitution, and maintaining the established authorities in both hemispheres.

We did not wish to call upon these satellites of tyranny for their right to spread devastation in the country, but only for the right that supported their present aggression, and converted another time their royal army into a national army. If they had impudence enough to become the sport of a versatile Government, was that a reason why the people should deliver themselves to the sword and implicated designs of their assassins? You cannot any longer name the constitution as an authority; (which, by the by, did not give you any right or claim to obeisance, any more than a constitution, however beneficial and admirable, made by Joseph Napoleon, would have given him over the peninsula.) Ferdinand has reassumed his sceptre, and torn to pieces that celebrated act. And now by what new act have the Americans re-established the authority of the son of Maria Louisa, which, being null in its origin, he had himself abdicated and lost by repeated and subsequent acts of infamy and cruelty?

Allow us to recall to remembrance the scenes of the Escorial, Aranjuez, and Bayonne. In 1807 Ferdinand is declared a traitor to his father, and unworthy of succeeding to the crown. In 1808 the scene changes at Aranjuez, and Charles the Fourth, used with violence by the same faction which was stifled at the Escorial, cedes the crown to the son, proclaimed amidst the disturbances of the Court. The old pupil of Godoy escapes to France, to seek the protection of the Emperor, who, in the conferences of Bayonne, causes the diadem to be restored, in order to accept it himself, and place it on the head of his brother Joseph.

This kingly-comic transaction has been represented to us by the Central Junta and Regency, under the veil of exalted exclamations tending to move all our sensibility in behalf of the misfortunes of that youth in whose party they were engaged. And thence it is that they despatched executive orders to America to apprehend the

* Summons of the 20th of August, 1814, from Chillan.

† Proclamation and pardon of the Viceroy of Lima, 14th March.

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parent King and his suite, in case they appeared on these coasts, and to remit them to Spain under arrest.* That tender enthusiasm, imposed upon us by our compassion and hopes, being subsided, who can discover less violence in the renunciations of Bayonne than in that of Aranjuez? Was the presence of Bonaparte more imposing to Ferdinand, than the presence of a mob at the gates of his palace to Charles the Fourth? The Bourbons have abandoned the nation against the will of the people, and by this act they have lost even those obscure rights upon which their dynasty was raised. A nation left without a chief, on account of their domestic quarrels, could not belong to those emigrants. Ferdinand, from Valençay, could not keep in his hand the extremity of the noose, or, speaking more properly, of the chain which fastens America.

When Spain declared war against Denmark, they said in their manifesto: "If this Power is oppressed, and subject to the will of Napoleon, Spain declares her war as against a province of France."† Why do they not hold the same language with respect to Ferdinand, a prisoner, or rather willingly given up to the disposal of the Emperor? Will the world ever forget the base, horrid, and sacrilegious denunciation by which he betrayed the Baron de Kolly, engaged in saving him from the castle, with the intervention and credentials of George the Third?‡ Considering as false the report of Mr. Bertheny, the commander of that fort, in which he states that Ferdinand in his communication dared to assert "that England continued to shed blood in his name, deceived by the false idea that he was forcibly detained there;" supposing even that his letter to Napoleon, requesting him to adopt him for his son, should be a fabrication, (accusations of which he has not cleared himself,) is not the infamy of such denunciation sufficient to deprive the informer of the character of a prince? How do they dare to bind us with that oath, taken without our consent, to oblige our consciences in an epoch full of perplexities and tumultuous afflictions, at the sight of promises which have never been complied with, and in circumstances that have long ago ceased to exist? But for the commissioners engaged in the destruction of America, the theatre never changes; their object is to annihilate her; and it is the same for them to commit hostilities in the name of the constitution, as in the name of the despot who tramples under foot that same constitution which they came to announce to us.

Such has been the conduct of Osorio in Chili; it is necessary to repeat it; he enters with the sword in one hand and the code in the other. We show him (and he knew it beforehand) that it has been annulled by Ferdinand; with the same facility he fights for the law, or for the enemy of

the law. Can justice, a virtue invariable and constantly the same in all times and climates, be supported upon contradictory bases and discordant interests? No. It was not justice that gave to the tyrant the victory of the 2d of October, 1814. It was not justice that suggested to him to set fire to the hospital where our wounded soldiers were. It was not justice that fired the gun on the victims who fled for refuge to the churches of Ramagua. Justice did not authorize the violences by which the sanctuary of religion and innocence was polluted. Justice did not put in their sacrilegious hands the vases of priesthood to be used in their bacchanalias. Justice did not cover with blood the roads from Talcahuana to the capital, that these traces of death might serve to show the way to the headquarters of the Sicaris, where our most respectable citizens, wandering in the mountains, were obliged to present themselves, to be transported to the rock of Juan Fernandez. Justice did not sharpen the knife which stuck the nine persons murdered in the prisons, under pretence of a supposed conspiracy, without any other trial than the ferocity of the perpetrators of the catastrophe of Quito. It is not justice that has cast into the casemates* so many deserving persons, who have been snatched from their families, without any form of trial, and are now lamenting their orphanage; and the refusal of an exchange of prisoners, the vizier of Peru sacrificing the fate of his own mercenaries rather than to ameliorate the fate of our fellow-citizens. It was not justice that erected the four scaffolds, for the recreation of the coward modern Bapto,† and which he ordered to be immediately taken away from the public square, at the news of the triumph of the 12th of February, 1817, the anniversary of which day we celebrate. (Aracabuco.)

Justice granted to Chili that day of glory and splendor, well satisfied that by two years and a half of sufferings we had atoned for our undue tolerance, and our blindness in not knowing that by tolerance we betrayed the sacred rights of our country, belied the necessity of independence, and the sincere wish of the people, that proclaimed it with so much the more eagerness that they had just learned, at the school of tyranny, that independence is the only desirable end of this bloody struggle of seven years; that the inability and impotence of our aggressors, and of the despot they serve, had become evident; that the idol and his name had tumbled to the ground; and that we ought not any longer to be guilty of the meanness of invoking him, when Spain herself, after being chilled by his ingratitude on his reascending the throne, tears herself in the convulsion of a paralysis that carries her to her last consumption.

* Horrible dungeons in the Callao of Lima.

† Marco, successor of Osorio, is not less remarkable for his cruelties than for his effeminacy, resembling that of the Bapto, so much despised in ancient Greece. The mentioned tyrannical acts are recorded judicially in our archives.

* Cedula of the 12th of August, 1808, and orders of 1st of March, 1809, and 26th of June, 1810.

† Manifesto of October 4, 1809.

‡ Vide the documents in the work *El Espanol*, No. 2 May 30, 1810.

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Such is the state of that unfortunate nation, rendered less miserable by the fierceness of the monster than by the obstinate tenacity of keeping her engaged in this destructive struggle, in which, after losing all the acquisitions of the first conquest, she will remain excluded forever from the sole relations with which she might have repaired the losses of twenty-five years. Spain existed by America; now she receives nothing from her, and she is obliged to strain her funds to fight her. Nobody can she seduce now, in the state of poverty which devours her. Should a miraculous effort enable her to send over gladiators, these men cannot be indifferent to the reluctance of abandoning their native soil to descend to the grave at such a distance from their cradle, and they will be convinced that they are engaged in an undertaking in which any ephemeral triumph will hardly make them resemble the bird cutting the air, which closes again after it has passed. Morillo, with the best army that Spain has sent out, and with all the other divisions, is proof of it. Whilst they occupy a place, the insurrection rages in others; and finally, all the disseminated mass of the conquerors comes to be consumed in the centre of the conflagration. The combustion is universal, the space is immense, and the fire of the revolution inextinguishable. We will not belong to an insignificant nation when we do not want for anything, and who, being in want of us, only seeks to kill us. We will not belong to a nation unfaithful in her promises, violating her contract, and contradictory in her principles, who intends to affirm these pretensions of her decrepit usurpation; and of a dynasty divested by itself even of the appearances of right, and make us responsible to the rest of our brethren nobly emancipated, to the improvement of the age, which venerates liberty as the goddess of civilization; to our posterity, who, from the sign of his future existence, awaits for the happy turn in which they are to enter without trouble in the enjoyment of days of order, honor, and peace, their fathers bought for them with their blood; to all human kind, who can now rely with secure and abundant places of refuge in these regions, blessed, by the Creator, and formerly shut by proud ambition to the hospitality of men unwilling to become slaves; to nature, who placed in our minds the sense of choice and merit incompatible with slavery; and, finally, to Heaven itself, who has unfolded the list of the nations, and has pointed out the place we were to occupy in the rank of the independents.

Chili has obeyed its call. The solemn act of the 1st January, 1818, is the expression of the individual vote, and the result of all private determinations. She has not deferred her revolution until the convocation of a Congress, difficult to assemble in the effervescence of war; she has dictated herself the measure which, in all circumstances, would have been sanctioned by her representatives, faithful to the trust and confidence of their constituents. When the latter will depute them, the representatives will ascend the altar of the law invested with all the plenitude of sover-

eignty required to proclaim it. This epoch is getting nearer as the expiring remnants of our enemies fly terrified. In the mean time, to defend the magna charta, every citizen runs spontaneously to arms. A veteran army of twelve thousand brave men, and enlisting of the militia, without exemption, are the pledge and the eternal foundation of our independence.

Free people of the universe! you who behold the basis of your sovereignty secured by this new monument of justice upon which Chili has raised its own, decide, in this fatal struggle, between humanity and the vain spirit of domination; teach Spain that the former is the origin and object of every Government, and ask her then who is to give up? By uniting your vows to ours, you will stop the blood which overflows vigorous America, and draws the last breath of expiring Spain. If you are touched by our destinies, convince her of her impotence, and of the mutual advantages of our independence; let her be affected by her own evils, and by those we have suffered during three centuries; inspire her with a comparative feeling on her fate and ours; and when, calculating candidly the consequences that threaten her, she lays down her arms, and sacrifices to justice and liberality the illusions which precipitate her to her ruin, assure her, on our honor, that generous Chili will open her heart to the friendship of her brethren, and participate with them, under the glorious empire of the laws, in all the benefits of their immutable independence.

BERNARDO O'HIGGINS.

DIRECTORIAL PALACE OF CHILI, *Feb. 12, 1818.*

MIGUEL ZANARTU, *Secretary of State.*

REPORT OF MR. POINSETT.

Mr. Adams to Mr. Poinsett.

DEPARTMENT OF STATE,

Washington, Oct. 23, 1818.

SIR: I am directed by the President of the United States to request of you such information, in relation to the affairs of South America, as your long residence in that country, and the sources of intelligence from thence which have remained open to you since your return, have enabled you to collect, and which you may think it useful to the public to communicate to the Executive Government of this Union.

I have the honor to be, &c.

JOHN QUINCY ADAMS.

J. R. POINSETT, Esq., *Charleston, S. C.*

Mr. Poinsett to Mr. Adams.

COLUMBIA, *November 4, 1818.*

SIR: In conformity with the request of the President of the United States, contained in your letter of the 23d of October, I have the honor to transmit to you such information as I possess in relation to the affairs of South America.

I regret that my absence from Charleston, where most of my documents are, does not allow me to

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enter more into detail, and to give a fuller description of those countries.

As the Executive will doubtless have received from the Commissioners ample information with regard to the recent occurrences at Buenos Ayres and Chili, I have only brought down the events of the revolution to the period of their arrival at Buenos Ayres. In the course of this narrative I have confined myself to facts; for I thought it unnecessary to dwell on the motives which induced the creoles to shake off the Spanish yoke. The oppression under which they labored, the severe and absurd restrictions upon their commerce and industry, are too notorious to require a comment; and the situation of the mother country not only justified but rendered it necessary for them to establish for themselves an internal government.

By letters which I have received since the return of the Commissioners from Buenos Ayres, I learn that the Portuguese forces are in possession of the principal places on the eastern shore of the Uruguay, and of the country between the Parana and Uruguay. Their advanced posts extend to the Corrientes. The royal forces in Upper Peru are posted at the defiles of Jujuy, and are in possession of the country above Salta. The forces of Buenos Ayres, under the command of Belgrano, are at Tucuman. By the last victory gained by the patriots of Chili on the plains of Maipo, the royalists have been driven within the fortifications of Talcahuana.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

J. R. POINSETT.

HON. JOHN QUINCY ADAMS,
Secretary of State.

The government of Spanish America is confided to the Council of the Indies. Their authority over the colonies is unlimited; they are the source of all favor, and have the presentation to all civil and ecclesiastical appointments; they constitute likewise a court of appeal from the decision of the audiences.

The viceroy is commander-in-chief, governor, intendant of the province where he resides, and president of the royal audience, and other tribunals. As commander-in-chief he is assisted by a council of general officers, and as governor by an assessor and legal counsellors. He assists with great ceremony at the session of the royal audiences, which tribunal watches his conduct, and has a legal control over his actions; and he in turn renders an account to the Council of the Indies of the public acts and private conduct of the members of the audience. The viceroy is not allowed to trade or to form any connexion with the people of his government, and it was not customary for him to enter any private house. The laws of the Indies, which in theory are calculated to protect the colonists and Indians from oppression, grant him almost regal powers, but restrain the arbitrary exercise of them by the responsibility attached to any abuse of authority. At the expiration of

his office a commission is appointed to inquire into his past conduct, and all people, including the Indians, are called upon to prefer charges against him, and state any grievance or vexation they may have experienced during his administration. This residencia, as it is called, has become an unmeaning ceremony. The royal audience, which is the supreme court in the colonies, is composed of the viceroy, who is the president, of a regent, three oidores, two fiscals, a reporter, and an alguazil.

The law lays both them and their families under the severest restrictions, and the president is enjoined to watch their conduct, and to receive and transmit to the King an annual statement of their acts.

They constitute the last court of appeal in America. The viceroy is recommended to consult them in all emergencies of the State, but is left at liberty to act as he thinks proper. Where the authority of the president interferes with their decisions, they may remonstrate, but his will is executed. They have the privilege of corresponding directly with the King, and may make any representations they think proper on the conduct of the viceroy.

When the functions of the viceroy are suspended by sickness or death, the regent is his legal representative.

Of the Cabildo we have already spoken. Besides the alcaldes of this body, there is a criminal judge. The city is divided into barrio or quarters, and each quarter has an alcalde de barrio or justice. There are likewise justices of the peace, or lieutenants of justice, as they are called, whose jurisdiction extends over a certain district of country. They are accountable to the Governor, and are appointed for two years.

The military and clergy claim their *fuero*, that is, the right of being judged by their peers, and an *esprit du corps* generally screens the culprit from justice.

The spirit of litigation pervades all classes, interrupts the harmony of society, and destroys the confidence and affection which ought to reign in families and among near connexions. The lawyers are a numerous body; and the practice is not, as in the United States, an open appeal to impartial justice, but the art of multiplying acts and of procrastinating decisions until the favor of the judge is secured by influence and bribery.

The ecclesiastical jurisdiction belongs exclusively to the King and Council of the Indies. The Pope has ceded all his pontifical rights except that of issuing bulls of confirmation, and even these are limited to the candidate presented by the King of Spain.

The bishop, assisted by a fiscal and a provisor, forms the highest ecclesiastical tribunal; the business is transacted by the provisor, and the bishops assist only in cases which concern ecclesiastics of rank. The ecclesiastical tribunals have cognizance in all cases of a spiritual nature, and which concern ecclesiastics, and in all questions arising from pious donations and legacies. The ecclesiastical *fuero* or privileges are extensive; it is

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sometimes (although very rarely) mixed, as when the plaintiff is an ecclesiastic and the defendant a layman, the cause is tried by a secular tribunal, and *vice versa*.

Buenos Ayres has a chapter consisting of a dean, a sub-dean and chapter, and a certain number of prebendaries.

The parishes are served by rectoral curates, and doctrinal curates officiate in the Indian settlements and villages, which are divided into doctrinas. The former derive their revenue from the fees of baptism, marriage, and interments, which the latter are forbidden to receive, but have an allowance from the treasury. Priests have been frequently employed in the administration of the public affairs, and have had great influence over the minds of the people, and a powerful agency in subduing and attaching them to the sovereign of Spain.

The zeal of the missionaries in this part of South America effected more than the arms of the first adventurers, who after they had conquered the country, were repeatedly cut off by insurrections of the natives, roused to desperation by their rapacity and oppression.

The conquest of Paraguay by the Jesuits; their large establishments on the Uruguay; the privileges granted them by the King in order that they might prove their assertion that, if left to themselves, and not intruded upon by the Spaniards, they would subdue the Indians of that extensive territory, and convert them to the Catholic faith; their rigid policy in detecting and sending out of their limits any one whom curiosity or interest might have tempted to trespass on their territory; the rapid subjection and conversion of the tribes on the Uruguay and Paraguay, who were incorporated with the Guaranis Indians; their submission to the organization of the Jesuits, who distributed the day into periods of work, recreation, and devotion, and established, after the manner of the Moravians, a common magazine for the reception of the produce of their industry, and dealt out to them, according to the number of members in a family, the necessary articles of food and clothing; the frequent attacks made upon them by the unsubdued tribes, and the depredations committed by the Mamalukes, the lawless inhabitants of the Portuguese frontier and of Saint Pablo; the jealousy excited by the flourishing state of these settlements about the period of the expulsion of the Jesuits from Europe; the resistance made to the decrees sent against them from Spain, and the final destruction of their power and confiscation of their possessions, are facts frequently treated of, and in the hands of every one.

There is a fund still devoted to the propagation of the Christian faith and to the payment of missionaries, who transfer the converted Indians to the doctrinas, where they are placed under the charge of doctrinal curates.

In the jurisdictions of Moxos and Chignitors there are some missionary settlements, where the missionaries enjoy nearly the same privileges which were formerly extended to the Jesuits, but they are not animated with the same zeal or by

the same ambition, and the progress of civilization has been very slow in those countries. The missionaries are forbidden to exact any compensation from the Indians for the performance of any Catholic rite, but this regulation, like all the excellent and philanthropic laws instituted by the Council of the Indies to protect the wretched Indians from the rapacity of the Europeans, is evaded by a shameful traffic in images, rosaries, and scapularies, and by receiving presents and exacting work from the Indians, notwithstanding the laws expressly exempt them from that obligation.

In the first conquest of these countries, the Spaniards profited by the feuds which they found existing among the different nations of Indians; they brought them into the field against each other, and the first adventurers were successively their allies and conquerors.

The Indians were sold into captivity, and thousands perished under the hard treatment of their inhuman masters, until the noble efforts of Las Casas and other friends of humanity drew the attention of the Spanish Court to their sufferings. Commissioners were then despatched from Madrid to inquire into these abuses, and to suggest the means of reforming them, and of alleviating the condition of the Indians. The first attempt at amelioration was the *Repatriamientos de Indios*, by which they were divided among the Spaniards, who had the profits of their labor, without a right of property in their persons. Next, the *encomiendas*, by which they were placed under the superintendence and protection of the Spaniards. The *encomendero* was bound to live in the district which contained the Indians of his *encomienda*, to watch over their conduct, instruct and civilize them, to protect them from all unjust persecutions, and to prevent their being imposed on in trafficking with the Spaniards. In return for these services they received a tribute in labor or produce. The abuse of these protecting regulations followed closely their institution.

The *encomiendas* were granted to Spaniards who never were in the country. The Indians were hired out, and the most exorbitant tribute was exacted of them. In order to check these abuses, it was decreed that the amount of tribute received from *encomienda* should not exceed two thousand dollars, the surplus to be paid into the treasury. They were made inalienable, and reverted to the Crown. All these regulations were found ineffectual to secure the Indians against the rapacity of the *encomenderos*, and *encomiendas* were abolished. The Indians were next confided to the care and protection of the missionaries and of doctrinal curates. The last regulation in their favor gave them magistrates of their own choice, superintended, however, by a *corregidor*, to prevent the Indian *alcaldes* from committing excesses in the exercise of their authority.

In the viceroyalty of Peru the Indians were subject to a tribute to the Crown, levied on males only, from the age of ten to fifty. It was collected by the *corregidor*, who had the power of exempting such as were unable, from sickness or bad

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seasons, to make up the sum. They could enter into no legal contract or sale, without the consent of the corregidor, or make any conveyance of real estate. Their lands were sometimes seized and sold to satisfy the tribute, and in that way only could a transfer be made, or a legal title be obtained for Indian lands. The Indians were burdened with a personal service to the Crown, called the mita; this was a conscription raised among those subject to the tribute, in order to work the mines of Potosi. Thousands of these unfortunate people were marched every year to Potosi; and although the period of service was only eighteen months, they were attended by a numerous train of friends and relations, who, on the eve of their entering the mines, sang melancholy dirges, and, sounding a horn in solemn strains, mourned over them with all the ceremonies which they used to evince their sorrow on the death of a relative. Their wives and children remained with the conscripts, who, harassed by a long march, seldom resisted more than a year the excessive labor and noxious air of the mines. The Indians of Peru have the appearance of habitual melancholy, and still wear mourning for the destruction of their Incas. According to an ancient prophecy, they expect to be one day delivered from their oppressors by a descendant of the Incas, who is to revive the former glory of the nation. They are prohibited from carrying any weapon, or from exercising any trade which might render them familiar with the use of fire-arms. This law has been so strictly executed, that the unsubdued tribes are not dangerous enemies, and for more than a century have not disturbed the tranquillity of the Spanish settlers; and the attempts made by the civilized Indians to recover their former independence have been more easily defeated. The Indians hand down from father to son the remembrance of their wrongs, and constantly watch some opportunity to revenge them.

The insurrection in 1778 was the most formidable known since the conquest, and laid in ruins some of the finest towns of Upper Peru. Oruro was totally destroyed, and La Paz lost the greater part of its inhabitants by famine, whilst it was blockaded by the Indians. Had they known the use of fire-arms, the whole of the white population of those provinces would have been destroyed. The revolutionary Government, immediately on its installation, released them from the service of the mita, which was the most obnoxious to them, and from the vassalage in which they were held by their magistrates. The tribute was continued from necessity, as it afforded a revenue which could not be relinquished at this period. In 1814 they were relieved from the payment of the tribute, and have taken an active part in favor of the creoles.

The Intendant of the province is the chief of every branch of the administration of finance; he is assisted by an assessor, who reports on all questions of law. The Intendant may reject his decision, and either determine on his own responsibility, or consult another lawyer. The tribunal

de cuentas, over which he presides, consists of a contador mayor and a treasurer; they examine and verify all accounts. There is, moreover, a supreme court of finance. This court, of which the Intendant is president, is composed of the regent of the royal audience, (chief justice,) the contador mayor, the treasurer, and the solicitor of the tribunal of accounts. These members, when their sentences are appealed from, do not assist at the session. The customs are collected by an administrator of the customs and a treasurer. Their accounts are received by the tribunal de cuentas.

By the Spanish colonial laws the taxes were levied on the product alone. The alcavala was reduced to five per cent. on every transfer of property and every contract of sale. The retail dealer generally paid a composition, which was calculated annually on the value of their stock.

The almozarifazgo is a duty on entry, and varies from fifteen to five per cent.; the corso is a duty of two per cent. applied to support the guarda-costas; and the consulate one and a half on imports and exports. This last goes to defray the expenses of the consulado or board of trade. There is an excise on distilleries. The pulperias, or small grocery stores, pay, independent of the alcavala, a certain sum per annum, about thirty-five dollars, for license to retail liquors. A fund was formerly derived from the sale of lands, and from the royal domains. The treasury receives the rents of vacant bishoprics and prebendaries until the new dignity is in possession, and the half-yearly product of all offices. Notaries, attorneys, receivers of the customs, tax-gatherers, excise officers, &c., pay a fine to the Crown in proportion to the value of their office. Ecclesiastics pay the amount of the first month of their benefice.

All articles seized on account of illicit trade, after paying the duties, are divided among the informer, the Intendant, the captors, and the Crown. The bull areas and cockpits belong to the King. A considerable revenue is derived from stamps; the highest cost six dollars; and all deeds and titles, as also papers signed by chief officers of the administration, must be written on this paper. If the instrument cannot be contained in a single sheet, the rest is written on a stamped paper of a dollar. Contracts and wills must be written on stamped paper, which costs one dollar and a half the sheet. Every document presented in the courts of law must be on stamped paper of — the sheet; and all petitions presented by the poor, and by Indians, must be written on stamped paper of the sixteenth of a dollar.

The paper, ready stamped, was sent from Spain, and was renewed every two years.

For some time the treasury received one-fifth of the product of the mines. It was afterwards reduced to one tenth.

The mint affords a further revenue by the exclusive sale of quicksilver, and by coining.

The monopoly of tobacco is another article to revenue. The administrador de tabaco grants licenses to cultivate, and establishes shops to re-

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tail tobacco. These estancos, as they are called, are kept by persons who receive a certain per centage on the sales, and who give security to account for all the tobacco put into their hands. The other monopolies, salt, cards, &c. &c., are not productive. The post office is in the hands of Government, and yields a considerable revenue.

The Indians who were subdued paid a capita- tion tax. It included all males from ten to fifty years of age, and amounted to between five and seven dollars. This tribute was collected by the corregidor, who had the power of dispensing with the payment, when, from indisposition or bad seasons, the Indian was supposed to be deprived of the means of acquiring the amount. They could enforce it by the sale of their lands. The only legal purchase of lands belonging to Indians was at these sales; in every other transaction they were considered as minors; and no contract or bargain was valid until it received the sanc- tion of the corregidor.

The ecclesiastical dominion of the Spanish American colonies was yielded by the bull of Alexander VI. to the sovereign of Spain. Tithes were established in America by Ferdinand and Isabella in 1501; and in 1541 Charles V. ordained that the proceeds of the tithes should be divided into four parts; one to be appropriated to the bishop; another to the chapter; and out of the other two, that they should set aside two-ninths for the King, three for building and repairing churches, and the remaining four-ninths for the payment of curates and officiating ecclesiastics. This regulation continues in force, and the tithes are farmed and sold in each province to the highest bidder.

The sale of the bulls of the crusade produces a very considerable revenue. The general bull is bought by all the faithful, and is divided into classes, according to the rank and fortune of the purchaser. Viceroy and their wives pay fifteen dollars; the chief dignitaries, civil, ecclesiastical, and military, and all possessed of fortunes ex- ceeding twelve thousand dollars, pay five dollars; all possessed of fortunes exceeding six thousand dollars, pay one and a half dollar; all other per- sons pay thirty-one and a half cents. The vir- tues of this bull are various; but the most useful is the dispensation from fasting on Fridays, and almost all Lent. The bull to eat milk and eggs is likewise divided into classes; the first costs six dollars; the second three dollars; the third one and a half dollar, and the fourth thirty-eight cents.

The bulls of composition are bought by those who have obtained money or goods by unlawful means. All classes pay two and a half dollars for this bull.

The bull for the dead lessens the term, or en- tirely releases the soul from purgatory; the first class costs seventy-five cents, and the second twenty-five cents.

The bulls of the holy crusade are printed on very coarse paper, and the name of the purchaser is written at full length.

In the viceroyalty of Buenos Ayres the ninths

of the sale of bulls, and the administration of the confiscated lands of the Jesuits, formed a branch of the revenue, under the title of temporalidades.

| The following tables present the state of the Treasury of Buenos Ayres, from January, 1811, and subsequently to January, 1812. | | | | |
|--|-------------|------------|-------------|-------------------|
| Remaining in the Treasury from | | Received. | Paid. | Balance in hands. |
| Temporalidades | \$8,456 4½ | \$4,706 5¼ | \$9,163 2½ | \$899 7½ |
| Tobacco | 12,366 6½ | 11,115 4½ | 14,352 1½ | 9,149 1½ |
| Post office | 1,842 3½ | 3,601 3½ | 3,947 2½ | 1,456 5 |
| Custom-house | 100,571 5½ | 161,738 6½ | 159,068 7½ | 103,241 4½ |
| From the royal hacienda | 21,177 4½ | 119,933 1½ | 238,529 1½ | 2,581 4½ |
| | | | | \$116,828 6½ |
| February, 1811. | | | | |
| Temporalidades | \$17,007 4½ | \$5,633 4½ | \$17,814 4½ | \$4,856 4½ |
| Tobacco | 25,027 1½ | 14,393 1 | 27,033 3½ | 12,386 6½ |
| Post office | 4,274 6½ | 1,525 7 | 2,158 1½ | 1,842 3½ |
| Custom-house | 144,141 6½ | 105,892 1½ | 149,095 6½ | 100,878 1½ |
| Royal hacienda | 12,775 0½ | 235,959 7½ | 227,557 3½ | 21,177 4½ |
| Balance in hand, March 1, 1811. | - | - | - | \$141,141 4½ |

A summary view of the trade of Spanish America will complete this exposition of their colonial policy.

It is scarcely necessary to recapitulate all the vexatious imposts with which the Spanish Government oppressed the internal commerce of the kingdom. Of all these, the alcavala was the most destructive of the national prosperity. It consisted of a duty varying from six to four per cent. upon every transfer of property, and every contract of sale. The millones was an excise on the prime necessities of life, and was generally com- pounded for with the Government by the munici- palities; in consequence of which, the magis- trates established public magazines, at which all taxed commodities were to be purchased; and such as were found to have any articles of monopo-

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ly, not obtained from the magazines, were prosecuted with the utmost rigor. Almost all these regulations, with the royal monopolies of brandy, cards, lead, salpêtre, sulphur, gunpowder, sealingwax, quicksilver, salt, and tobacco, were extended to the colonies, where their pernicious effects were more sensibly felt than in the mother country. The trade between Spain and the colonies was confined to particular classes in both countries, until Charles V. allowed all his Castilian subjects to fit out expeditions from the principal port of Spain; but exacted, under the penalties of death and confiscation, that they should return to the port of Seville, which became the emporium of the American trade. The personal influence of the inhabitants increasing with their wealth, they induced the Government to withdraw the permission to clear out from other ports. In 1720, when the navigation of the river was impeded by sandbars, and became unfit to admit vessels of burden, the monopoly, with all its advantages, was transferred to Cadiz. Twenty-seven vessels were fitted out for the annual supply of Peru, Chili, and Terra Firma; and every three years twenty-three were despatched to Mexico and the northern provinces. The colonists were prohibited from trading with foreigners, or with Spanish vessels, not included in their periodical fleets, and also from trading with each other. Peru could not receive supplies from Mexico, or Buenos Ayres from Terra Firma. No Spaniard could interfere with the trade of the interior, nor could any colonist embark his goods to Spain on his own account. A board of trade, established at Seville in the sixteenth century, regulated the extent, assortment, and distribution of the periodical cargoes. No person could load or land articles from the return cargoes without a license from this board. The galleons could not touch at any port, or break bulk on their passage out or home. The triennial supplies could only be distributed over the northern colonies, and the annual galleons were appropriated to the settlements of the South. These were extremely limited, it being supposed that the Crown had an interest in making the same amount of duties fall upon a small supply of goods, that the duties might be more easily levied, and that the colonists might be made to pay the whole. The duties were levied in the form of direct customs on the goods exported, or of fees and dues for licenses on tonnage. An impost was laid on the bulk of the articles shipped, without regard to their nature or value. The *indulto* was a duty on the produce imported from the colonies, and fixed anew by Government every time the fleets returned from America. The declining state of the Spanish manufactories, and the inability of the mother country to furnish the necessary supplies of goods, obliged the Council of the Indies to use foreign articles, but they forced them to pass through the hands of the merchants of Seville, and afterwards of Cadiz. The profits of the monopolists of Cadiz were one hundred and seventy per cent. on goods bought in America, and two hundred and fifty on goods sold there. The import and export duties were exorbitant.

Colonial produce bore a very high price in Spain; and the colonists purchased the necessary articles with this monstrous accumulation of profits and charges. Ulloa mentions that, in Quito, a pound of iron sold for a dollar, and one of steel for one dollar and fifty cents. The contraband trade was, in consequence, very extensive; but although this gave the colonists a more abundant supply, it did not diminish the prices; the profits of the smugglers always bearing a proportion to the risk of entering the goods, and to the profits of legal commerce.

In 1740 expeditions separate from the periodical fleets were permitted to sail from the American colonies to ports formerly debarred all direct intercourse with Spain. The high prices paid by these registered ships for licenses amounted to a heavy duty on exports. In 1748 the permission was extended to other ports, but was soon restored exclusively to Cadiz. In 1761 regular packet boats were first established, and sailed from Corunna to the chief ports of America. Although permitted to trade, their cargoes were limited in extent, and to Spanish produce. They were obliged to sail from and return to Corunna. In 1765 the trade of the windward colonies was laid open to several ports of Spain. The *palmeo* was commuted to a duty of six per cent. on exports, and ships were cleared without licenses. The grant which had already included Louisiana was extended in 1770 to Yucatan and Campeachy. In 1766 the cotton trade was opened to Catalonia duty free, and in 1772 to the other provinces. In 1774 colonial produce duty free was permitted to be imported into several ports of Spain. In 1778 the ordinance of 1765 was extended to Buenos, Chili, and Peru, and soon after to Santa Fe and Guatemala. This last ordinance granted some abatement of duties to vessels laden with Spanish produce, and to the precious metals, which had hitherto paid an enormous duty of entrance. The jealousy of extending the benefits of their trade to foreigners yielded to the necessity of supplying the colonies with slaves. The Spaniards were incapable of conducting this traffic, and for a certain time it was in the hands of a class of merchants in France. By the Treaty of Utrecht, the *asiento* was transferred to Great Britain. The contraband trade which the English mingled with the importation of slaves brought on a war, and put a stop to this foreign monopoly. The slave trade was then transferred to a private company, whose entrepot was Porto Rico. The total failure of this company obliged the Government to take the supply into their own hands; and the incapacity of the Spanish merchants to conduct this complicated trade forced them to contract with a British commercial house for an annual supply of three thousand slaves. For one year the Philippine company introduced into Buenos Ayres nearly four thousand slaves. In 1789 the slave trade with the islands and with Caraccas was thrown open to Spaniards and foreigners. Several exclusive companies have been formed since the commencement of the eighteenth century,

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but the Philippine company alone survived the restrictions and extravagant duties imposed on their trade by the Government. The profits of this company are represented to have been very inconsiderable—not exceeding three or four per cent. On the 12th of October, 1778, the Council of the Indies issued a decree of free commerce. The vessels were to belong exclusively to Spaniards, and to be of national construction; all the officers and two-thirds of the crew to be Spanish. This decree confined the free trade to a few ports; but subsequent regulations extended the privilege to all the chief ports in Spain. The ports of the colonies were divided into major and minor ports; and some privileges were granted to the latter, in order to encourage them. The exports from Spain were divided into three classes: the articles of the growth and manufacture of the mother country were called free articles, and paid nine and a half per cent. duty; the second class consisted of articles only of the manufacture of Spain, and paid twelve and a half per cent. duty; the third class included all foreign goods shipped to the colonies through Spain; they paid fifteen per cent. entry into Spain, seven per cent. export, and seven per cent. entry into America; and with the maritime alcavala, the consulate, and other charges, the duties amounted to thirty-three and a third per cent. In 1778 the exports to the colonies were made in one hundred and seventy ships, were worth 74,000,000 of reals vellon, and paid 32,000,000 duty. The imports of the same year were made in one hundred and thirty ships, valued at 74,000,000, and paid nearly 3,000,000 duty. In 1778 the value of exports was 500,000,000, and of imports 804,500,000, and the duties exceeded 55,000,000. In Buenos Ayres the receipts of the customs in 1791 were \$336,532; 1792, \$468,850; 1793, \$423,623; 1794, \$407,984; 1795, \$310,858. The average of five years was \$389,569. It appears that in 1796 the exports to Buenos Ayres amounted to \$2,852,944, and the imports from that port to \$5,058,882. The latter consisted of 874,593 ox hides, 43,752 horse hides, 24,436 skins, 46,800 arrobas (twenty-five pounds,) 771 arrobas of vacuna wool, 2,254 arrobas of common wool, 291 guanaco wool, 11,890 goose wings, 451,000 horns, 3,223 cwt. of copper, four cwt. of tin, 2,541 tanned hides, 222 dozen of dressed sheep skins, 2,128 cwt. of jerked beef, and 185 cwt. of cured pork, valued at \$1,076,877, and the remainder, 2,556,304, in gold and silver. In the year 1802, after the peace of Amiens, the receipts in Buenos Ayres were \$857,702.

Shortly after the war broke out between England and Spain, the invasion of these provinces by Sir Home Popham opened a new era in the trade of Buenos Ayres. This officer, on his return to England, wrote a circular to the merchants, setting forth the extensive and lucrative market opened by this conquest to the trade of the British Empire. The want of markets in Europe at that period, and the exaggerated picture of commercial advantages presented by Sir Home Popham, occasioned great speculation to be made to the river

Plata, and large convoys of merchantmen accompanied the expeditions of Sir Samuel Auchmuty to Montevideo, and of General Whitlocke to Buenos Ayres. Montevideo, during the short time it remained in the hands of the English, afforded a very limited market, and the total failure of General Whitlocke's expedition obliged the merchants to return to England without having made any considerable sales. The loss experienced on this occasion was attributed altogether to the defeat of General Whitlocke; and an opinion still prevailed among the merchants in London, that the markets of Spanish America, if opened to their trade, would enable them to bear the loss of the commerce of the continent, and to be at least equal to that in the United States. After the British troops had evacuated the provinces of La Plata, the clamors of the people obliged the viceroy to open the ports to neutrals. Some Americans traded to the river Plata, but the high duties and restrictions discouraged the commercial spirit even of our own countrymen. The trade was very limited, and principally carried on by English and Spanish capital, covered by the American flag, and the goods were introduced by bribery, or by favor of the viceroy. The revolution of Spain put a stop to another attempt of the British to obtain possession of these colonies. The deposition of the Spanish authorities, and the establishment of the Junta in Buenos Ayres, again opened the ports of the river Plata to the British flag. Eager to realize their former dreams of commercial prosperity, a large capital was immediately turned into this channel. Entirely ignorant of the consumption of the country, and of the wants of the inhabitants, they overstocked the market with every article of British manufacture. The quantity of merchandise brought into these ports during the first six months was equal to the former consumption of six years; and skates and warming pans were seen dangling in the shops of Buenos Ayres and Montevideo. The former exorbitant duties continued to be levied with so little regard to justice, that frequently the merchants not only lost the prime cost and freight of the articles, but had a further sum to pay for duties; and several petitions were presented, praying to be allowed to abandon the goods in satisfaction of the duties. The monthly receipts of customs in Buenos Ayres, during the year 1810, sometimes exceeded two hundred thousand dollars, and the aggregate of that year was two million two hundred and ten thousand dollars. From the state of the market in Buenos Ayres, the merchants in England were ruined by the slowness of the returns; and many found it necessary to instruct their agents to make any sacrifice, and to sell at any price. Sales at auction, to an immense amount, were consequently made below the first cost of the articles. The effect of these sales was to reduce the price of all English manufactures; and afterwards saw English prints and calicoes retailed in the shops of Mendoza, a distance of three hundred leagues from the coast, below the retail price in London. The English agent, who received his per centage on these sales, and the Spanish or native consignee, whom

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the law obliged him to employ, were enriched, but the principals in England failed. Frequent attempts were made to prevail upon the Government of Buenos Ayres to simplify the manner of collecting their duties, and to establish a tariff of their own, independent of the absurd and complex regulations of Spain. A more liberal system was with difficulty extorted from them. The monopolies were abolished. The obligation to employ a Spanish or native consignee was done away, and foreign merchants permitted to enter their ships and dispose of their cargoes in their own name. At the commencement of the revolution the exportation of silver was permitted on payment of five per cent. duty. It was afterwards prohibited; but the Government, finding it impossible to prevent its being smuggled from the country, again permitted the exportation, increasing the export duty to six per cent. for coined silver, and twelve per cent. for uncoined silver; two per cent. for coined gold, and eight per cent. for uncoined gold, and an additional half per cent. on both for the consulate. The mines of Potosi have not been worked to any considerable amount since the revolution. The specie exported is brought chiefly from Chili, and amounts to about three millions of dollars annually. The British frigates on this station are relieved every six months, and since the year 1810 have carried to England nearly ten millions of dollars. This money was shipped partly on account of individuals, and partly on that of the British Government. Their agent in Buenos Ayres, the consul general, bought the specie at a premium, chiefly from the Spanish merchants, who were anxious to remove their funds from America. In 1813 the Government published the following commercial regulations, which remained in force for some time. The Government being anxious to regulate the duties, and to establish the order of their collection in the custom-houses within the territories of the United Provinces, in the manner most convenient to the general interests of commerce, and do away all former abuses; to proportion the imports to the nature, necessity, and value of the articles of commerce, so far as the extraordinary demand and present situation of the treasury will admit; and to furnish the merchants with a clear and exact statement of the duties to be paid, in order that they may in no event be involved in doubts and perplexity, which might intimidate their enterprise, or retard the progress so important to the public prosperity;—have decreed, with the previous concurrence of the Permanent Council of the Sovereign Assembly: First. From the 1st day of January, 1814, twenty-five per cent. shall be collected on all manufactures and foreign articles, except those hereafter specified, as the only duty of entry, to be calculated on the current market prices at the time of their extraction from the warehouse. Secondly. For this purpose the merchants will present the invoices with the prices affixed, which the officers of the customs shall examine, in order to calculate the duties. Thirdly. In case the prices fixed by the merchant be not regulated on

the market price, the officer of the customs shall signify it to him, and should any dispute arise two arbiters shall be named—one by each party, and a third chosen by them—in order to decide thereon. Fourthly. Foreign wines and brandies, oil, ready-made clothes, boots and shoes, and furniture, thirty-five per cent. Fifthly. Muslins and hats, fifty per cent. Sixthly. Crockery and glass, fifteen per cent. Seventhly. The following articles are free of all duties: quicksilver, machinery and instruments for mining, and those of the sciences and arts, all implements and tools of trade, books and printing presses, as likewise boards and all sorts of lumber; saltpetre, gunpowder, flints, fire-arms, and sabres and swords for the use of cavalry. Published in the Ministerial Gazette, and signed by Nicholas R. Pena, Juan Sarrea, Gervasia Antonio Posadas, (*Manuel*) José García, Secretary.

The market of Buenos Ayres continues to be overstocked with English goods, but their merchants are now better acquainted with the wants of the inhabitants; ponchos, rugs, saddles, bits, lassos, balls, and in short every article formerly supplied by their domestic manufactures are now brought from England. The Guernsey and Jersey traders bring French and German goods, which are preferred to English. Furniture, cordage, canvass, naval stores, paper, liquors, and strong, black tobacco, find a ready sale, and will bear the duties. All goods mentioned in the seventh commercial regulation are in constant demand. China and India goods sell well, and the British merchants resident in Buenos Ayres have lately despatched three ships, direct to India and China, from the river of Plata. The principal returns are hides, tallow, horses, vacuna wool, skins, feathers, bark, copper, gold, and silver. Hides pay twenty per cent. export duty, and all the other articles, except the precious metals, fourteen per cent. The commerce of Chili offers great advantages to the traders to China and to the East Indies. It is a well-known fact that specie is almost our only medium of trade with those countries, which not only deprives the merchant for many months of the use of a large sum, but obliges him often to collect dollars at a premium; whereas, if the ports of Chili were used as a scale, the goods suited to the market—such as furniture and French and German manufactures—are obtained in the United States at a credit, and the returns received in Chili in copper and silver. In Chili the mines of silver are the most productive ever wrought. The mineral of those discovered within the last three years in the province of Guasco yielded a most extraordinary product of silver, which, compared with that of Potosi, is as forty to fourteen. It is not ascertained whether these rich mines extended to any great depth.*

Furs might be obtained if there was any en-

* In Potosi a caxon of ore yields from fourteen to twenty marks of silver, and in Guasco seventy marks have been extracted from a caxon, but the average product is forty marks.

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couragement to collect them. Traders might station small detachments along the coast and on the islands, to procure seal skins, an article of great demand in China, and very abundant in these seas. All instruments of trade and manufactures are introduced into both countries free from duty. During the last war between Russia and England, a press was erected in Valparaiso for the purpose of packing hemp, and large quantities of that article were sent to England. In the event of the intermediate ports, as they are called, (*puertos intermedios*.) Arica, Arequipa, &c., being opened to a free trade, it is probable that Upper Peru will be supplied through that channel. The distance is not so great, and the roads are better than those to the Atlantic ports. The trade of Chili has hitherto been confined to Lima and Buenos Ayres. The viceroyalty of Lima was supplied with grain from the ports of Valparaiso and Talcahuana, and the returns made in sugar, fossil salt, rice, and cotton. The trade between Buenos Ayres and Chili was carried on by caravans of carts from Buenos Ayres to Mendoza, at the foot of the Andes, and from thence on mules to Santiago. The principal articles sent across the continent by the merchants of Buenos Ayres were European dry goods and the herb of Paraguay. They received in return the sugar of Lima, copper, and gold and silver.

In the hands of freemen who were sensible of its advantages, and under an enlightened Government, Chili, from the number and variety of its productions, which yield the raw material of every sort of manufacture, has within itself the means of greatness; and, from the number of its harbors and great extent of coast, might carry on an extensive and lucrative commerce with the intermediate ports, and the viceroyalty of Lima, the Philippine islands, the East Indies, and China.

The commercial regulations of these countries have been so frequently altered, that it is difficult to say what they now are. This uncertainty discourages commercial enterprise, even more than exorbitant duties.

The geographical division of the Viceroyalty of Peru.

The viceroyalty of Peru extends 365 leagues north and south, from 3 degrees 35 minutes of south latitude, and 126 leagues east and west, between 63 degrees 56 minutes and 70 degrees 18 minutes from the meridian of Cadiz.

The bay of Tumbes separates it on the north from the kingdom of Granada. The river of Loa on the south from the desert of Atacama, and the kingdom of Chili. The Cordillera of Vilacota, in 14 degrees south, separates it from Buenos Ayres. On the east it is bounded by an immense desert, and on the west by the Pacific ocean. The face of the country is extremely unequal; bordering on the coast it is a barren, sandy desert, with a few small but fertile valleys, and in the interior are the lofty mountains and deep valleys of the Cordillera. The temperament varies, therefore, in the same latitude. In the habitable

parts of the mountains the thermometer of Reaumur varies from 3 degrees below 0 to 9 degrees above. At Lima, and generally along the coast, the constant variation of the thermometer is from 13 degrees to 23½ degrees. The productions of Peru follow the nature of its different climates. Wine, oil, and sugar are the most valuable productions of the coast; corn and wheat of the valleys; and bark and cocoa of the mountains.

The annual product of the mines is valued at \$4,500,000.

The population of the viceroyalty is calculated at 1,076,997 souls.

It is divided into seven intendancies, comprehending 51 districts; the latter governed by sub-delegates responsible to the intendant, who is under the direction of the superintendent general, a dignity always invested in the viceroy.

The viceroyalty contains five dioceses.

Lima, the capital of Peru, is situated in 12 degrees 2 minutes 51 seconds south latitude, and 70 degrees 50 minutes 51 seconds longitude, and was founded by Don Francisco Pizarro in 1535.

Notwithstanding the frequent earthquakes which destroyed the city in the years 1586, 1630, 1655, 1687, and 1764, Lima occupies an area of ten miles circumference, including the suburb of San Lazaro. The population amounts to 52,627 inhabitants: 292 clergy, 991 religious monks and friars, 572 nuns, 84 beatas, 17,215 Spaniards and white creoles, 3,912 Indians, 8,960 negroes, and the remainder intermediate classes mixtures of the others.

The intendancy of Lima comprehends 74 doctrinas, (curacies,) 3 cities, 5 towns, and 173 townships; population 149,112 souls: 431 clergy, 1,100 religious, 572 nuns, 84 beatas, 22,370 Spaniards and Spanish creoles, 63,180 Indians, 13,747 mestizoes, 17,864 mulattoes, and 29,763 slaves. It is divided into eight districts in the following order:

Cercado de Lima.—This district comprehends 14 curacies, 1 city, and 6 townships, and contains a population of 62,910 souls: 309 clergy, 991 religious, 572 nuns, 84 beatas, 18,219 Spaniards and Spanish creoles, 9,744 Indians, 4,879 mestizoes, 10,231 free people of color, and 17,881 slaves. The principal produce is fruit, honey, sugar, and vegetables, which are consumed in the capital to the amount of \$500,000 per annum.

Canete.—This district comprehends 7 curacies, 1 city, 1 town, and 4 townships. It is inhabited by 12,616 souls: 15 clergy, 19 religious, 465 Spaniards and Spanish creoles, 7,025 Indians, 737 mestizoes, 992 free people of color, 3,363 slaves: produces sugar, grain, and some nitre; annual value, \$350,000.

The district of *Ica* comprehends 10 curacies, 1 city, 2 towns, and 3 townships. Inhabitants 20,576: 22 clergy, 72 religious, 2,158 Spaniards and Spanish creoles, 6,607 Indians, 3,405 mestizoes, 4,305 free people of color, 4,004 slaves. A copper mine is wrought in this district, which also produces brandy, olives, and some sugar, and manufactures glass and soap; annual value, \$588,742 4 rials.

Yaugos comprehends 7 curacies and 25 town-

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ships. It is inhabited by 9,574 souls: 12 clergy, 13 Spaniards and creoles, 8,005 Indians, 93 mestizoes, and 1,451 free people of color: produces cattle and sheep; annual value \$20,200.

Huarochoiro comprehends 11 curacies and 35 townships, and is inhabited by 14,024 souls: 25 clergy, 220 Spaniards and Spanish creoles, 13,084 Indians, 591 mestizoes, 19 free people of color, and 84 slaves. The produce of this district is grain and cattle, and it possesses rich silver mines; annual value not ascertained.

Canta comprehends 9 doctrinas and 54 townships, and is inhabited by 12,133 souls: 20 clergy, 57 Spaniards and Spanish creoles, 10,333 Indians, and 1,723 mestizoes: produces Indian corn, potatoes, and cattle; annual value, \$20,103.

Chanccay comprehends 9 doctrinas, 2 towns, and 28 townships, and is inhabited by 13,945 souls: 18 clergy, 15 religious, 969 Spaniards and Spanish creoles, 7,510 Indians, 1,081 mestizoes, 759 free mulattoes, and 3,604 slaves: produces grain, sugar, and cattle; annual value, \$465,504 4 rials.

Santa comprehends 7 doctrinas and 14 townships, and is inhabited by 3,334 souls: 10 clergy, 279 Spaniards and Spanish creoles, 873 Indians, 1,237 mestizoes, 108 free mulattoes, and 827 slaves: produces sugar, grain, and cattle; annual value \$245,000.

Intendancy of Cuzco.—The city of Cuzco, capital of the former Incas, is situated in 13 degrees 32 minutes 20 seconds south latitude, 65 degrees 15 minutes 20 seconds longitude. It was founded in the eleventh century by Manco Capac, and taken possession of by Francisco Pizarro in 1534. The population is estimated at 32,082 souls: 89 clergy, 436 religious, 166 nuns, 113 beatas, 16,122 Spaniards and Spanish creoles, 14,254 Indians, 203 negroes, and the remainder mestizoes and mulattoes.

The intendancy of Cuzco comprehends 102 doctrinas, 1 city, 2 towns, 131 townships, inhabited by 216,382 souls: 315 clergy, 474 religious recluses, 166 nuns, 113 beatas, 31,828 Spaniards and Spanish creoles, 159,105 Indians, 23,104 mestizoes, 993 free mulattoes, and 283 slaves.

Cercado del Cuzco comprehends 8 doctrinas, 1 city, inhabited by 32,082 slaves, 89 clergy, 436 religious recluses, 166 nuns, 113 beatas, 16,122 Spaniards and Spanish creoles, 14,254 Indians, 646 free mulattoes, 203 slaves, the remainder mestizoes: produces grain, and manufactures some woollen and cotton stuffs.

Abancay.—This district comprehends 9 doctrinas and 8 townships, inhabited by 25,259 souls: 33 clergy, 1,937 Spaniards and Spanish creoles, 18,419 Indians, 4,739 mestizoes, 50 free mulattoes, 81 slaves: produces sugar, cotton, grain, and cocoa; annual value, \$350,000.

Aymaraes comprehends 16 doctrinas and 34 townships, inhabited by 15,281 souls: 24 clergy, 1 recluse, 4,474 Spaniards and Spanish creoles, and 10,782 Indians: produces various kinds of dyes, raises cattle, and manufactures some woollen stuffs; annual value, \$145,000.

Culca and Lares comprehend 5 doctrinas and

6 townships, inhabited by 6,199 souls: 13 clergy, 347 Spaniards and Spanish creoles, 5,519 Indians, and 320 mestizoes: produce grain, cotton, red pepper, cocoa, and manufacture some woollen stuffs; annual value, \$176,239.

Urabamba comprehends 6 doctrinas and 4 townships, and is inhabited by 9,250 souls: 22 clergy, 35 religious, 835 Spaniards and Spanish creoles, 5,164 Indians, and 3,194 mestizoes: produce grain, cocoa, and a variety of fruits; annual value, \$89,098.

Colabambas comprehends 13 doctrinas and 14 townships, and is inhabited by 19,824 souls: 19 clergy, 186 Spaniards and Spanish creoles, 18,237 Indians, and 1,382 mestizoes: produces Indian corn and grain; annual value, \$20,000.

Pararo comprehends 9 doctrinas and 19 townships, inhabited by 20,236 souls: 20 clergy, 1 recluse, 2,331 Spaniards and Spanish creoles, 15,034 Indians, 2,733 mestizoes, and 117 free mulattoes: produces grain and cattle, and manufactures linen cloth; annual value, \$96,471.

Chumbivilcas comprehends 11 doctrinas and 12 townships, and is inhabited by 15,973 souls: 27 clergy, 4,471 Spaniards and Spanish creoles, and 11,475 Indians: produces grain, and manufactures linen cloths; annual value, \$18,600.

Tinta comprehends 11 doctrinas and 13 townships, and is inhabited by 36,968 souls: 27 clergy, 324 Spaniards and Spanish creoles, 29,045 Indians, 5,420 mestizoes, and 152 free mulattoes: produces grain and ships, and manufactures linen cloths; annual value, \$152,309½.

Quispicanchi comprehends 10 doctrinas and 16 townships, and is inhabited by 24,337 souls: 25 clergy, 1 recluse, 37 Spaniards and Spanish creoles, 19,947 Indians, 4,306 mestizoes, and 21 free mulattoes: produces grain, cattle, wool, and salt, and manufactures linen cloths; annual value, —.

Paucartambo comprehends 4 doctrinas and 8 townships, and is inhabited by 12,973 souls: 16 clergy, 764 Spaniards and Spanish creoles, 11,229 Indians, 957 mestizoes, and 7 mulattoes; produces wood and cocoa; annual value, \$390,972.

Intendancy of Arequipa.—The city of Arequipa is situated in 16 degrees 13 minutes 20 seconds south latitude, 66 degrees 6 minutes 30 seconds longitude. Its population is estimated at 23,988 souls: 50 clergy, 225 religious, 162 nuns, 5 beatas, 15,737 Spaniards and Spanish creoles, 1,515 Indians, 4,129 mestizoes, the remainder mulattoes and negroes.

The intendancy of Arequipa comprehends 60 doctrinas, 2 cities, 2 towns, and 8 townships, inhabited by 136,801 souls: 326 clergy, 284 religious, 126 nuns, 5 beatas, 39,357 Spaniards and Spanish creoles, 66,609 Indians, 17,797 mestizoes, 7,003 free mulattoes, and 5,258 slaves.

Cercado de Arequipa comprehends 11 doctrinas, 1 city, and 2 townships, inhabited by 37,721 souls: 93 clergy, 325 religious recluses, 162 nuns, 5 beatas, 22,687 Spaniards and Spanish creoles, 5,929 Indians, 4,908 mestizoes, 2,477 free mulattoes, and 1,225 slaves: produces grain, wine, brandy, sugar, cotton, and oil; annual value, \$630,800.

Camana comprehends 7 doctrinas and 8 town-

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ships, inhabited by 19,052 souls: 34 clergy, 9 religious recluses, 5,005 Spaniards and Spanish creoles, 1,249 Indians, 1,021 mestizoes, 1,747 free mulattoes, and 887 slaves: produces wine, sugar, and oil; annual value, \$300,000.

Condesuyos comprehends 9 doctrinas and 18 townships, and is inhabited by 20,145 souls: 35 clergy, 3,603 Spaniards and Spanish creoles, 12,011 Indians, 4,358 mestizoes, 34 free mulattoes, and 44 slaves: contains gold mines, and produces cochineal and grain; annual value, \$26,458.

Collaguas comprehends 16 doctrinas and 10 townships, and is inhabited by 13,905 souls; 40 clergy, 212 Spaniards and Spanish creoles, 11,872 Indians, 1,417 mestizoes, 335 free mulattoes, and 29 slaves: produces grain and wool, and manufactures some woollen stuffs; annual value, \$70,100. The silver mines in this district yield annually 34,000 marks.

Moquegua comprehends 6 doctrinas and 6 townships, and is inhabited by 28,279 souls: 53 clergy, 29 religious recluses, 5,596 Spaniards and Spanish creoles, 17,272 Indians, 2,916 mestizoes, 887 free mulattoes, and 1,526 slaves: produces grain and wine; annual value, \$705,000.

Arica comprehends 7 doctrinas, 1 city, and 26 townships, inhabited by 18,776 souls: 44 clergy, 21 religious recluses, 1,585 Spaniards and Spanish creoles, 12,870 Indians, 1,977 mestizoes, 985 free mulattoes, and 1,294 slaves: produces wine, grain, cotton, and oil; annual value, \$160,500.

Tarapaca comprehends 4 doctrinas and 12 townships, inhabited by 7,923 souls: 27 clergy, 509 Spaniards and Spanish creoles, 5,406 Indians, 1,200 mestizoes, 528 free mulattoes, and 253 slaves: produces wine and some grain; annual value, \$81,400. The silver mines of this district produce annually 72,462 marks.

The intendancy of Truxillo.—The city of Truxillo is situated in 8 degrees 5 minutes south latitude, and 72 degrees 44 minutes longitude, founded by Francisco Pizarro in 1535: population, 5,790 souls; 133 clergy, 60 religious recluses, 129 nuns, 1,263 Spaniards and Spanish creoles, 274 Indians, 704 mestizoes, 1,000 negroes, and the rest mulattoes. The intendancy of Truxillo comprehends 87 doctrinas, 5 cities, 2 towns, and 142 townships, population 230,267 souls: 400 clergy, 160 religious recluses, 162 nuns, 19,098 Spaniards and Spanish creoles, 115,647 Indians, 76,949 mestizoes, 13,757 free mulattoes, and 4,725 slaves.

Cercado de Truxillo comprehends 10 doctrinas and 6 townships, population 12,032 souls: 144 clergy, 60 religious, 129 nuns, 1,434 Spaniards and Spanish creoles, 4,577 Indians, 1,549 mestizoes, 2,357 free mulattoes, and 1,582 slaves: produces sugar, rice, oil, cotton, and various gums; annual value, \$31,756.

Lambayeque comprehends 20 doctrinas and 7 townships, population 35,192 souls: 62 clergy, 27 religious, 2,299 Spaniards and Spanish creoles, 22,333 Indians, 5,448 mestizoes, 3,192 free mulattoes, and 1,831 slaves: produces grain, saffron, sugar, tobacco, and cotton; manufactures some cotton and woollen stuffs, soap, &c.; annual value, \$397,799.

Puira comprehends 12 doctrinas and 14 townships, population 44,491 souls: 61 clergy, 18 religious, 2,874 Spaniards and Spanish creoles, 24,797 Indians, 10,654 mestizoes, 5,203 free mulattoes, and 884 slaves: produces grain, cotton, and some indigo; abounds with cattle; annual value, \$72,686.

Cazamarca comprehends 17 doctrinas, and 26 townships, population 62,199 souls: 23 clergy, 50 religious, 33 nuns, 7,835 Spaniards and Spanish creoles, 29,692 Indians, 22,299 mestizoes, 1,875 free mulattoes, and 328 slaves: produces grain and cotton; abounds in cattle; and manufactures cotton and woollen stuffs; annual value, \$—.

Chota.—Not able to ascertain any correct information respecting this district; possesses rich mines.

Huamachuco comprehends 8 doctrinas and 23 townships, population, 38,150 souls: 64 clergy, 2,273 Spaniards and Spanish creoles, 17,117 Indians, 18,367 mestizoes, 250 free mulattoes, and 79 slaves; produces grain and cocoa, and manufactures linen cloths; annual value, \$57,853.

Pataz comprehends 3 doctrinas and 13 townships, population, 13,508 souls: 11 clergy, 3 religious, 987 Spaniards and Spanish creoles, 4,627 Indians, 7,678 mestizoes, 194 free mulattoes, and 8 slaves; produces grain and sugar, and abounds in cattle; annual value, \$35,264. The gold mines of this district yield 250 pounds per annum, and the silver 500 marks; value of both, \$35,500.

Chacapoyas comprehends 17 doctrinas and 60 townships, population, 25,398 souls: 34 clergy, 11 religious, 1,396 Spaniards and Spanish creoles, 12,504 Indians, 10,954 mestizoes, 486 free mulattoes, and 13 slaves: produces tobacco, bark, sugar, and cocoa.

Intendancy of Huamanga.—The city of Huamanga is situated in 13 degrees 1 minute south latitude, and 68 degrees 6 minutes longitude; population 25,970 souls: 25 clergy, 42 religious, 82 nuns, 169 Spaniards and Spanish creoles, 20,373 Indians, 4,332 mestizoes, and the remainder mulattoes and negroes.

The intendancy of Huamanga comprehends 50 doctrinas, 1 city, and 134 townships, and is inhabited by 111,559 souls: 176 clergy, 45 religious, 82 nuns, 5,378 Spaniards and Spanish creoles, 75,234 Indians, 29,621 mestizoes, 943 free mulattoes, and 30 slaves.

Cercado de Huamanga comprehends 3 doctrinas and 2 townships, and is inhabited by 25,970 souls: 25 clergy, 42 religious, 82 nuns, 169 Spaniards and Spanish creoles, 20,373 Indians, 4,372 mestizoes, 30 slaves, the rest free mulattoes: possesses some manufactures; annual value, \$34,268.

Anco comprehends 1 doctrina and 4 townships, inhabited by 2,022 souls: 9 Spaniards, 1,744 Indians, 269 mestizoes: produces sugar and coffee; annual value, \$18,795.

Huanta comprehends 7 doctrinas and 20 townships, and is inhabited by 27,337 souls: 45 clergy, 3 religious, 219 Spaniards and Spanish creoles, 19,981 Indians, 10,080 mestizoes, and 9 free mulattoes.

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Congallo comprehends 10 doctrinas and 31 townships, and is inhabited by 12,474 souls: 31 clergy, 62 Spaniards and Spanish creoles, 10,011 Indians, 2,363 mestizoes, and 7 free mulattoes: produces grain and cattle.

Andahuaylas.—This district comprehends 10 doctrinas and 18 townships, and is inhabited by 12,020 souls: 20 clergy, 3,000 Spaniards and Spanish creoles, 5,000 Indians, 4,000 mestizoes: produces grain and sugar; annual value, \$74,384.

Lucanas comprehends 14 doctrinas and 44 townships, and is inhabited by 15,727 souls; 27 clergy, 862 Spaniards and Spanish creoles, 12,700 Indians, 2,076 mestizoes, and 60 free mulattoes: produces grain and cattle.

Parinacochas comprehends 14 doctrinas and 16 townships, population 16,011 souls: 28 clergy, 1,057 Spaniards and Spanish creoles, 8,475 Indians, and 6,451 mestizoes: raises cattle and manufactures cotton stuffs; annual value, \$56,000.

Intendancy of Huancavelica.—The town of Huancavelica is situated in 12 degrees 53 minutes south latitude, and 68 degrees 46 minutes longitude: population 5,156 souls: 21 clergy, 18 religious, 560 Spaniards and Spanish creoles, 3,803 Indians, 631 mestizoes, and the remainder mulattoes and negroes.

The intendancy of Huancavelica comprehends 22 doctrinas, 1 city, 1 town, and 86 townships, and is inhabited by 30,917 souls: 81 clergy, 18 religious, 2,341 Spaniards and Spanish creoles, 23,899 Indians, 4,537 mestizoes, and 41 slaves.

Cercado de Huancavelica.—This district comprehends 4 doctrinas and 6 townships, inhabited by 5,146 souls: 21 clergy, 18 religious, 560 Spaniards and Spanish creoles, 3,803 Indians, 731 mestizoes, and 13 slaves.

Angaraes.—This district comprehends 5 doctrinas and 25 townships, inhabited by 3,244 souls: 23 clergy, 219 Spaniards and Spanish creoles, 2,691 Indians, 309 mestizoes, and 3 slaves: produces sugar, grain, and cattle; annual value, \$85,000.

Tayacaza comprehends 5 doctrinas and 22 townships, inhabited by 13,161 souls: 21 clergy, 1,394 Spaniards and Spanish creoles, 9,020 Indians, and 2,726 mestizoes.

Castroverreyna comprehends 8 doctrinas and 35 townships, inhabited by 9,365 souls: 16 clergy, 168 Spaniards and Spanish creoles, 8,385 Indians, 771 mestizoes, and 25 slaves: produces grain and cattle; annual value, \$76,000.

Intendancy of Tarma.—The town of Tarma is situated in 12 degrees 33 minutes 49 seconds south latitude, and 69 degrees 29 minutes longitude; population 5,538 souls: 2 clergy, 361 Spaniards and Spanish creoles, 1,878 Indians, 3,244 mestizoes, the rest mulattoes and slaves.

The intendancy of Tarma comprehends 79 doctrinas, 1 city, 2 towns, and 203 townships, inhabited by 201,259 souls: 229 clergy, 127 religious, 15 beatas, 15,939 Spaniards and Spanish creoles, 105,187 Indians, 78,682 mestizoes, 844 free mulattoes, and 236 slaves.

Cercado de Tarma comprehends 13 doctrinas, 1 town, and 45 townships, and is inhabited by

34,491 souls: 32 clergy, 1,681 Spaniards and Spanish creoles, 18,821 Indians, 14,300 mestizoes, and 77 free mulattoes: produces grain and bark; annual value, \$8,315. The mine of Yauricocha yielded, in 1793, \$2,016,703. Rent of the Crown for Diezmos and Cobos, \$231,283.

Xauxa comprehends 14 doctrinas, 1 town, and 16 townships, inhabited by 52,286 souls: 32 clergy, 84 religious, 1,713 Spaniards and Spanish creoles, 28,477 Indians, 21,922 mestizoes, and 58 slaves.

Caxatambo comprehends 13 doctrinas and 56 townships, and is inhabited by 16,872 souls: 31 clergy, 504 Spaniards and Spanish creoles, 10,500 Indians, 4,808 mestizoes, 629 free mulattoes: produces grain and cattle; annual value, \$30,000.

Conchucos comprehends 15 doctrinas and 19 townships, and is inhabited by 25,308 souls: 40 clergy, 2 religious, 1,384 Spaniards and Spanish creoles, 9,899 Indians, and 13,983 mestizoes: produces grain, and possesses mines, but which are not very productive; annual value, \$73,476.

Huamates comprehends 8 doctrinas and 30 townships, inhabited by 14,234 souls: 18 clergy, 593 Spaniards and Spanish creoles, 8,957 Indians, 4,625 mestizoes, and 43 slaves: produces bark, cocoa, and cattle; annual value, \$53,420.

Huaylas comprehends 12 doctrinas and 20 townships, inhabited by 40,822 souls: 67 clergy, 11 religious, 3,604 Spaniards and Spanish creoles, 20,935 Indians, 15,971 mestizoes, 138 free mulattoes, and 96 slaves.

Huanuco comprehends 4 doctrinas, 1 city, and 7 townships, inhabited by 16,826 souls: 9 clergy, 30 religious, 15 beatas, 6,160 Spaniards and Spanish creoles, 7,598 Indians, 3,075 mestizoes, and 39 slaves: produces bark and cocoa, and exports a small quantity of silver; annual value, \$45,094.

Panatahuas.—Military government of Callao and of the archipelago of Chiloe.

Number of Indians for the collection of tributes levied on males from 10 to 50 years of age.

| | | | | | | |
|--------------------------------|---|---|---|---|---|-------------|
| Males | - | - | - | - | - | 314,863 |
| Females | - | - | - | - | - | 304,227 |
| | | | | | | 619,190 |
| Exempt from age, sex, and rank | - | | | | | 473,615 |
| Contributing | - | - | - | - | - | 145,575 |
| Amount of tributes | - | - | - | - | - | \$885,586 0 |
| Of the common hospital fund | - | - | - | - | - | 25,852 7 |
| | | | | | | 911,438 7 |
| Pensions, expenses, &c. | - | - | - | - | - | 374,052 4 |
| Net rent | - | - | - | - | - | \$537,356 3 |

Duties.

Imports into Callao 6 per cent. alcavala, and 3 per cent. customs; woollen exports 3 per cent.

The interior commerce pays 6 per cent. alcavala.

Alcavala were first levied in Peru, in the year

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1596, at 2 per cent. until the year 1771, when they were increased to 4 per cent. In the year 1777 they were increased to 6 per cent. The expenses of collecting the customs at Lima exceeds \$50,000.

Table of the commerce between the ports of Spain and Callao.

| Years. | IMPORTATION. | | | EXPORTATION. | | |
|--------|------------------|------------------|----------------|------------------|----------------|----------------|
| | Spanish effects. | Foreign effects. | Total value. | Gold and silver. | Produce. | Total. |
| 1781 | \$114,952 7½ | \$309,230 3 | \$424,183 3 | | \$177,766 7 | \$561,067 5 |
| 1782 | 566,128 1 | 633,435 3 | 1,199,563 4 | | 968,290 2½ | 17,121,206 6 |
| 1783 | 695,295 7 | 1,049,348 4 | 1,744,644 3 | \$443,306 0 | 732,587 4 | 7,877,912 6 |
| 1784 | 1,020,434 1 | 2,073,530 4 | 3,093,964 5 | 16,152,915 4½ | 7,144,325 2 | 9,168,467 0 |
| 1785 | 2,318,448 1 | 3,727,267 4 | 6,045,715 5 | 8,285,659 7½ | 882,807 1 | 5,424,268 3 |
| 1786 | 6,136,067 4 | 7,630,681 7 | 13,766,749 3 | 4,518,246 3 | 906,022 0 | 6,043,133 3 |
| 1787 | 3,870,200 7 | 2,911,898 1 | 6,782,099 1 | 5,403,973 1 | 579,100 2 | 2,972,575 6 |
| 1788 | 1,557,904 0 | 1,194,066 7 | 2,751,967 1 | 2,449,945 6 | 523,080 0 | 5,668,482 3 |
| 1789 | 1,209,196 5 | 1,460,226 3 | 2,669,423 0 | | | |
| 1790 | 2,297,964 4 | 2,465,499 2 | 4,763,461 6 | 5,220,387 2½ | 448,695 1 | \$54,837,114 3 |
| | \$19,786,677 5½ | \$23,455,186 4 | \$43,241,862 7 | \$49,078,305 1 | \$5,159,809 1½ | |

In the moneys exported is included \$3,562,000, sent by the Royal Philippine Company.

Importation - - - \$43,241,862 7
 Exportation - - - 54,837,114 3

Balance in favor of exports - \$11,595,251 4

The excess of exports was occasioned by the war. Four ships arrived in 1779 and sailed in 1784, occasioning the great export of that year, \$17,121,206 6.

The Kingdom of Chili is comprised within the narrow strip of land which extends east and west from the summit of the Cordilleras de los Andes

to the Pacific ocean, and stretches along the coast north and south, from the river Salado and the desert of Atacama to the straits of Magellan. From the chain of frontier posts (which begin at Arauco, on the coast, and extend to the Cordilleras) to the town of Valdivia, the country is in possession of the warlike tribe of Araucanians, who still remain independent; and from Osorno, south, it is inhabited by the various tribes of Patagonia, whose territories have not been explored.

The population of Chili, by the census taken in 1791, was found to be 750,000 souls. From the strong motives of concealment, as the census is taken for the purpose of proportioning the taxes according to the population of each district, the population of Chili cannot be estimated at less than one million.

The distance from the Cordilleras to the Pacific ocean is thirty leagues, between the latitudes of 25 degrees and 36 degrees south; and 40 leagues, between 36 degrees and 43 degrees south.

The country comprised between the 25th and 43d degrees of south latitude may be considered the length of the Kingdom of Chili, it being unsettled, and even unexplored, farther south.

From the Cordilleras de los Andes to the Pacific, the inclination is so great, that all the rivers flow with the rapidity of torrents, and are therefore not navigable. They serve to irrigate the valleys, and render them the most fertile in the world. The climate makes this method of cultivation absolutely necessary; for from the Salado to the Itata, that is, from 25 degrees to 36 degrees of south latitude, not a cloud is to be seen above the horizon from the month of November to the month of May. The atmosphere, during this period, is perfectly clear, and the dews are scarcely perceptible, nor is the heat oppressive. The proximity of the Andes tempts the air, and the mercury fluctuates between 70 degrees and 80 degrees of Fahrenheit, and rarely rises to 85 degrees. Thunder storms, so frequent on the east of the Andes, are unknown in this part of Chili. Winter commences in the month of May; the cold is mild, and the rains gentle, and unattended with wind. The rains of the winter fertilize the hills, and the plains, which cannot be irrigated, during that season afford pasture for the cattle. The Spring commences in September, and the face of nature in Chili is then peculiarly beautiful. The hills are verdant, and covered with innumerable flowering shrubs; and the plains present to the eye a carpet of flowers. The abundance of water and the peculiarity of climate enable the inhabitants to raise all the fruits of the earth in great perfection. The wheat which is cultivated in the valleys is of excellent quality, and the product seldom less than forty times the seed; sometimes ninety; and, on the best land, even one hundred. Indian corn is likewise cultivated, and produces abundantly. Barley is raised in great quantity for the use of horses and mules, which, in the winter, are fed on this grain, mixed with chopped straw, as in Arabia and Old Spain. Hemp and

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flax grow luxuriantly. Cotton is here and there cultivated for their domestic manufactures; and there is one sugar plantation. The climate and soil are well adapted to the culture of sugar; but they have been long accustomed to get that article from Lima, in exchange for their wheat, and are not disposed to change their ancient habits. Rice, likewise, would grow on their low lands, but it is brought from Lima.

South of the river Itata the climate varies. Rains are frequent in the Summer, and, in the Winter, are attended by storms of wind. The grape is chiefly cultivated in these districts, and the wine is better than where the vineyards are irrigated.

The olive grows luxuriantly throughout all Chili, and the oil is of the first quality.

On the banks of the river Maule, and on all the rivers south of 35 degrees 17 minutes, there is excellent timber, and the whole country abounds with forests of a thorny minosa, which makes good charcoal, and is in general use for fuel.

In the neighborhood of Talcahuana, within 500 yards of the sea, there is a fine vein of sea coal, which has been used by our whaling ships.

The Kingdom of Chili was governed by a president and captain-general, who was amenable only to the Council of the Indies, and was assisted by an audiencia, or supreme court. His powers were the same as the Viceroy of Lima and Buenos Ayres.

There were two bishoprics in Chili; that of Santiago comprehended the territory from the river Salado to the Maule; and the bishopric of Concepcion included the country from the Maule to the island of Chiloe. The presidency was divided into districts (*partidos*) governed by a subdelegate. Copiapo, the most northern, was the first conquered by the Peruvians, under the Incas, who extended themselves subsequently to the banks of the Maule.

The Spaniards followed the track marked out by the enterprise of this extraordinary people, and, passing along the edge of the Cordilleras, descended into Chili by the mountains of Copiapo. This district extends from the Cordilleras to the sea. On the south it is separated from the Viceroyalty of Lima by the desert and district of Atacama, and extends north seventy leagues to the district of Guasco. The town of Copiapo is situated in 26 degrees 50 minutes south latitude, twenty leagues from the coast. It is small and inconsiderable; for the only part of this district capable of cultivation is the narrow valley which extends from the Cordilleras to the town, the river losing itself in the sands between the town and the ocean. South from the Hospederia de Yerba Buena extends a desert tract, (*travirsia*), about thirty leagues to the borders of Guasco.

La Caldera Copiapo, the port, is situated in 26 degrees 1 minute south latitude.

The wine of Copiapo is much esteemed, and is of excellent flavor, but has not body to keep any length of time.

The district of *Guasco* extends from the Cordilleras to the sea, and from that of Copiapo to the district of Coquimbo, occupying a line of coast of thirty leagues extent. The principal town is small, and situated about sixteen leagues from the sea.

The mines of gold in this district have been abandoned, but those of copper produce annually eighteen to twenty thousand quintals. The King exercised the right of purchasing copper at seven and a half dollars per quintal, payable in Santiago. In consequence of this monopoly, the miners preferred disposing of it to smugglers, who gave them fourteen dollars, in goods. The mines of silver discovered in this district in 1811 are the richest ever known; the veins which have been hitherto wrought are near the surface of the earth, and have yielded the extraordinary product of forty marks, and sometimes even seventy marks, to the caxon of ore.*

The port of *Guasco* is formed by two rocks, running out from the island of Carnero, and Point Expedition. It is situated in 28 degrees 26 minutes south latitude, and 75 degrees longitude west of Cadiz.

The district of *Coquimbo* extends from the Cordilleras to the sea; it bounds north on Guasco, and extends fifty leagues south, to the district of Cuzco. The capital, *La Serena*, commonly called *Coquimbo*, is situated in 29 degrees 54 minutes south latitude, on the south bank of the river *Coquimbo*, within half a league of the coast. The land slopes gradually from the town to the sea, and, being meadow, forms a lawn of never-failing verdure. The town is regular and well built, and is surrounded with gardens which produce all the tropical fruits in great perfection. The inhabitants are remarked for their urbanity and hospitality to strangers, and the climate is equal and temperate.

The river *Coquimbo* waters the valley of *Hualque*, the most fertile part of the district; and the *Liman*, which is a large stream, waters the country above and below the juntas of *Gualmalata*.

The gold mine of *Talca*, which is situated in this district, is very productive. The copper of *Coquimbo* is esteemed the best in the world, and contains a small portion of gold. The French formerly imported this copper through Spain, and extracted the gold from it. Mining is carried on by voluntary labor; the *mita*, or conscription of the unfortunate Indians to toil in the mines, was never practised in Chili.

* The method of estimating the product in Potosi, Chili, and generally in Peru, is by the caxon of ore, which contains fifty quintals of one hundred pounds each. The mark of silver is eight ounces of eight ochavas, each ochava of seventy-five grains. The caxon of ore at Guasco produces forty marks, or three hundred and twenty ounces of silver. In Potosi, fourteen marks is the average, or one hundred and twelve ounces; and in Guanaxuato, the richest mines of Mexico, the average is four ounces the quintal, or two hundred ounces the caxon.

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The port of *Coquimbo* is formed by the head lands of *Teatimos* and *Pelicanos*, and is one of the best known, and the most secure of the Pacific. It is situated in 29 degrees 54 minutes south latitude.

The district of *Cuzco* extends from the Cordilleras to the sea, and from *Coquimbo*, south, to the district of *Petorca*. *Rozas* is the principal town.

The river *Chaupo* fertilizes this district; near where it falls into the sea is a large lake, abounding with fish.

The district of *Petorca* extends from the Cordilleras to the sea, and from *Cuzco*, its northern boundary, south, to *Quillota*. The capital is *Petorca*, sometimes called *Santa Ana de Bribiesca*. This district possesses gold and copper mines, and is watered by the rivers *Longotama* and *Ligua*. On the banks of the latter stands the town of *San Domingo de Rozas*, and near it the settlement of *Placilla*. There is a large Indian town in the valley, called *Valle Hermoso*.

The port of *Valparaiso* is situated in 33 degrees 1 minute 45 seconds south latitude. It is the most frequented in *Chili*, although open to the north and northeast, and to northwest winds, which blow with great violence in the winter, accompanied with a heavy sea.

The town extends around the bay, from the castle of *St. Antonio*, for nearly a mile, and is separated from the *Almendral* (a suburb of *Valparaiso*) by a low beach. The houses are irregularly scattered over the sides of steep hills, which rise abruptly from the shore, and extend along the ravines of *St. Augustin*, *St. Francisco*, and *Gomez*, the ground being very broken and rugged. The country near the town is very barren, and all the supplies are drawn from *Quillota*. That abundant district furnishes, at a very cheap rate, supplies for the vessels that frequent *Valparaiso*. Stock of every description, fruit, potatoes, vegetables, and excellent biscuit, may be bought at a very moderate price. The best water is brought from the *Almendral*, at some trouble and expense.

Until the late revolution, the only commerce from this port was with *Lima*; between forty and sixty cargoes were brought annually, consisting of fossil salt, sugar, rice, cotton, and a coarse cotton manufacture called *toculle*; and the returns made in wheat, hemp, beef and tallow, hides, &c.

The population of *Valparaiso*, including the *Almendral*, does not exceed 6,500 souls.

The district of *Quillota* is bounded north by *Petorca*, south by the district of *Melipilla*, east by that of *Aconcagua*, and west by the Pacific ocean. The principal town, *San Martin de la Concha*, commonly known by the name of *Quillota*, is situated on the south bank of the river *Quillota*, near the river of *Olcancagua*. The streets diverge from the principal square, and intersect each other at right angles; and the houses are commodious and well built. The town occupies a great space, each house having a garden adjoining, where the inhabitants raise

vegetables and fruit for the supply of *Valparaiso*. From the summit of an adjoining hill the eye embraces a highly rich and variegated prospect of the town, interspersed with groves and gardens, and surrounded by extensive artificial pastures, principally of luzerne; and of the fields intersected by canals from the river, and cultivated in wheat, corn, hemp, and flax. The cultivation in every part of *Chili*, as has been before observed, is conducted by irrigation; and the *Aconcagua* here affords a plentiful supply of water. The climate is mild and healthy, and the inhabitants lively and hospitable. There are mines of gold and copper in this district, although not wrought; and they make oil and wine. *Petorca* and *Cuzco* are included with *Quillota*, for all the purposes of Government.

The port of *Herradura de Quintero*, in 32 degrees 47 minutes 33 seconds south latitude, and a little north of *Valparaiso*, is one of the best and safest harbors in these seas, being very extensive, with deep water and clean anchorage. At the *Punta de las Ventanas* is a good watering place, with abundance of wood; and the country is beautiful and fertile.

The road direct to the capital is so rugged and mountainous that this advantageous port has been neglected.

Any wind that permits you to approach the coast will carry you in; and, at the anchorage, you have only to avoid the shoal of *Tortuga*.

The district of *Melipilla* is bounded north by that of *Quillota*, south by the river *Maipu*, east by the district of *Mapocho*, and extends west to the Pacific ocean.

The chief town, *San José*, commonly called *Melipilla*, is beautifully situated near the north bank of the broad and rapid river of *Maipu*, which furnishes the means of irrigating an extensive and well cultivated country. The road to *Valparaiso* formerly passed through this town. The whole district is well settled, and highly cultivated in wheat, barley, Indian corn, and vines. It is watered by the rivers *Maipu* and *Mapocho*; on the latter is situated the small but flourishing town of *San Francisco del Monte*, the environs of which, for a considerable distance, are a vast garden, interspersed with orchards and vineyards. The convent of *St. Francisco* is endowed with extensive possessions. A little below the town the *Mapocho* falls into the *Maipu*; and near the outlet of the latter is the bay of *St. Antonio*, in 33 degrees 30 minutes south latitude. It is open to the north, and very insecure.

The district of *Mapocho* occupies an extensive plain at the foot of the *Andes*, being bounded on the north by *Santa Rosa*, south by the river *Maipu*, east by the Cordilleras, and west by *Melipilla*.

The city of *Santiago de Chili* is situated in this district, and was founded on the 12th of February, 1541, by *Don Pedro de Valdivia*, on the south bank of the *Mapocho*, in 33 degrees 31 minutes south latitude. He at first called the country overrun by his arms after his native

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province, Estramadura, and the capital Santiago de Estramadura; but it soon lost this title in the original name of Chili. Santiago contains forty thousand inhabitants; it was founded on the lands belonging to the Ulmen, or Cacique Guelingala, whose jurisdiction extended from the river Chuapa on the north, to the river Maule on the south, and east and west from the Cordilleras to the sea. The plain on which the city is situated extends along the foot of the Andes, certainly to the line, and I believe quite to the isthmus of Panama, north, and south to the straits of Magellan. This is the only uniform level in Chili; from hence to the coast the descent is very rapid, and broken by irregular mountains and valleys. On the eastern extremity of the city rises the small rocky hill of Santa Lucia, formerly called the mountain of Guelon. These insulated hills are frequently seen on the great plain of Chili.

Santiago is divided into four quartels. The ministers of the royal audience were chiefs of quartels, and an alcalde, or magistrate in each, attended to the police, and reported to the chief.

The Cabildo, or municipal council, is composed of a royal standard-bearer, (who carries the standard of Santiago on the festival of that saint,) an alguacil, alcalde of the province, two regidores, and five executors, which are permanent offices, and are sold to the highest bidder; and so fond are the people of distinction, that they are purchased at a high price. These choose two ordinary alcaldes, or magistrates of the province, who have jurisdiction in ordinary cases, and whose duty it is to keep the peace.

The tribunal of commerce is composed of a prior, two consuls, an assessor or syndic, and nine counsellors. These are chosen every two years, and have jurisdiction in all commercial causes. They have a fund arising from internal taxes and from fees; and are charged nominally with everything relating to commerce and to the superintendence of roads and harbors.

A broad road extends round the south side of the town, like the boulevards in Paris, and separates it from the suburbs, which are extensive and well built. There are several handsome churches and convents in this canada, or boulevard, and a large canal carries a stream of water along the south side of it. North from the principal square a wide street leads to the bridge over the Mapocho, which is built of stone and brick, and stands on nine lofty arches. The view from it along the banks of the Mapocho, and towards the Andes, is very picturesque; and the inhabitants resort to this bridge in the Summer afternoons, to enjoy the refreshing air from the mountains. The river is broad and shallow, and in the Summer flows in several channels; but in the Spring of the year, when swollen by the melting of the snows, it rises to the height of the arches, and has at times overflowed, and laid half the city under water. A dike has been built along the banks of the river, to protect the city from these inundations. It is a solid wall about five feet thick, with a parapet.

For the ecclesiastical government of the city, the town is divided into four curacies, viz: the Cathedral, Santa Ana, San Isidro, and San Lazaro. The jurisdiction belongs exclusively to the bishop, who is assisted by an ecclesiastical cabildo, composed of the canons, and presided by the proviso, who is the chief of the ecclesiastical court, and the director of the convent of nuns. There are seven nunneries and seven convents of monks in Santiago.

The monks of San Juan de Dios have two large hospitals; one for men, with the church of San Juan de Dios attached to it, in the suburbs of the canada; and one for women, annexed to the chapel of San Borja. These orders have all vast estates, both in lands, which they farm themselves, and which are always well cultivated, and in mortgages, which they hold to a great amount.

The district of *Santa Rosa* is separated from Alconagua on the north by the river of Alconagua, on the south it borders on the district of Mapocho, east on the Cordilleras, and west on Quillota. Its capital, Santa Rosa de los Andes, is situated on the road from Santiago to Mendoza.

The district of *Rancagua* is bounded north by the Maipu, which separates it from that of Mapocho, south by the Cachapoal, which divides it from Colchagua, and it extends east and west from the Cordilleras to the sea. The capital of this district, Santa Cruz de Triana, commonly called Rancagua, is in thirty-four degrees south latitude, twenty-six leagues south of Santiago. It stands near the north bank of the Cachapoal, which, after its confluence with the Tinguiririca, takes the name of Rapel. This is a very fertile district, exporting grain, and cattle, and fruits. There are several gold mines which have been abandoned, but the silver mine of Copana is still productive.

The district of *Colichagua* extends east and west from the Cordilleras to the sea, and from the river Cachapoal on the north to the districts of Curico and Maule on the south. Colchagua is very fertile and well cultivated; the principal export is wheat; some gold and copper has been found in this district. The warm mineral springs of Canquenes are situated in the mountains of Colchagua, and are much frequented by the inhabitants of Santiago during the summer. San Fernando, the capital, is situated on the north bank of the Tinguiririca.

The district of *Curico* extends from the Cordilleras to the sea. It borders north on the district of Colchagua, and south on that of Maule. The Villa de San José de Buena Vista, more commonly known by the name of the district, is the capital.

The district of *Maule* extends from the Cordilleras to the sea. It borders north on Curico, and on the south is separated from the Isla de Maule, and from Canquenes, by the broad and rapid river Maule. The banks of this river are covered with timber, and there is a ship yard at Bilbao, near its mouth. The entrance of the river is obstructed by a bar. Talca is the principal town of this dis-

trict. There are still some lavaderos for gold in Maule; the mountain of Chibats, near Talca, has been very productive.

The district of the *Isla de Maule* extends from the Cordilleras to the district of Canquenes. It is bounded on the north by the river Maule, and south by the district of Chillan. The town of Linaras is situated in this district, between the rivers Gutagan and Longavi, and the town of Parral is on the south of Longavi.

The district of *Canquenes* extends from the *Isla de Maule*, its eastern boundary to the Pacific ocean. It borders north on the river Maule, and south on the district of Itata. The chief town, *La Mercedes de Manso*, commonly called Canquenes, is situated on the stream of Tutubin. The town of Bilboa, at the mouth of the Maule, is in this district.

The district of *Chillan* extends from the Cordilleras to the district of Itata, and bounds north on the *Isla de Maule*. The town of San Carlos is situated between the Longavi and the Nuble; and Chillan, the capital, between the Nuble and the Chillan, in thirty-five degrees fifty-six minutes south latitude, and seventy-one degrees five minutes west longitude. This town is well built, and is ornamented by several churches and convents. The monks of Chillan own almost all the lands in this district, which is very fertile and productive. There is a manufactory of woollen cloths at Chillan.

The district of *Itata* borders east on that of Chillan, west on the sea, and north on the district of Canquenes. The fine river of Itata flows through this district. The chief town of Itata is Cuelemu. Quirique is likewise situated in this district, which is famous for the excellence of its wine.

The district of *Rere* extends from the Cordilleras to the district of Puchacay. It borders north on Itata, and south on the military frontier posts. The chief town is San Luis Gonzaga, formerly known by the names of Buena Esperanza, and Estancia del Rey.

The district of the *Isla de la Laxa* is comprised in the strip of land between the rivers La Laxa and Biobio, and is surrounded by the Cordilleras of the Andes; it is very fertile and productive. Los Angeles is the chief town, and has a citadel, being one of the frontier posts. There are three passes in the Cordilleras from this district: Antuco, Villacura, and Quinco, which are fortified against the Indians.

The district of *Puchacay* borders east on that of Rere, west on Concepcion, south on the river Biobio, and north on the Itata. The chief towns in this district are Hualqui and Florida. The country is rugged and mountainous, but produces good wheat and wine.

Concepcion de Chile.—This district borders east and north on that of Puchacay, on the south it is bounded by the river Biobio, and extends on the west to the Pacific. The city of Concepcion was founded by Don Pedro de Valdivia in the year 1550, and was built in the valley of Penco; it was repeatedly destroyed by the Araucanians, and re-

built by the Spaniards on the same spot. After the earthquake, in November, 1774, which laid the city in ruins, the present city of Concepcion was built about three leagues south of the former position, on the Mocha. This town is the see of a bishop, whose jurisdiction extended from the river Maule to the southern extremity of Chili. There is a small town erected on the ruins of the former capital, called Penco.

Talcahuana, in the bay of Concepcion, is situated in thirty-six degrees forty-one minutes fifty seconds south latitude, and in sixty-six degrees fifty-three minutes thirty seconds west longitude from Cadiz. This is the largest and most secure port on the coast of Chili; it is protected on the north by the island of Quiriquina. The channel between the north point of Quiriquina and the point of Loberia is the best entrance to this bay, and is called Boca Grande; the other channel, or Boca Chica, has sufficient depth of water; but a shoal, which runs out in a westwardly direction from the island, renders its approach more dangerous. The best anchorage is at the southwestern extremity of the bay, opposite the town of Talcahuana. There is good anchorage under the south side of the island of Quiriquina. There is a chain of military posts, extending from the Pacific to the Cordilleras. The first is Arauco, on the seacoast, where there is a small bay, a few leagues south of Talcahuana; San Pedro, on the south side of Biobio, opposite the town of Concepcion; Talcamavida, a small fort; Yumbel, a fortress, with a small well built town; Mesavida, a fort; San Carlos, a town defended by a fort; Santa Barbara, a fortress, situated in the passage of the Cordilleras, by which the Indians called Pehuenches pass into Chili, to traffic with the Spaniards. The river Biobio was settled as the boundary of the Araucanians at the peace of Negrete. This river falls into the sea in thirty-six degrees fifty minutes south latitude.

The territory occupied by the warlike tribes of Araucania is divided into four provinces, which they call Meli Guatalmaipu; it extends from thirty-six degrees fifty minutes south latitude, to the river Totten, in thirty-nine degrees south latitude, and from the Cordilleras de los Andes to the Pacific ocean. These provinces are divided by lines running north and south. The first, Languen Maipu, or the district of sea, is Araucania proper, and is inhabited only by that warlike nation. The Spanish fortresses of Arauco, San Pedro, Colcura, Tucapel, formerly stood in this district; they were all abandoned at the conclusion of the peace, except San Pedro. The bay of Arauco is a tolerable roadstead, and the port of Caruero, at the mouth of the river Canten, affords shelter to the shipping on the coast. A chain of mountains separates the district of Languen Maipu from that of Leibun Maipu, which occupies an extensive plain, extending from the base of the mountains, in a westwardly direction, to Yua-pire, Maipu. The only town, or rather fortress, which the Spaniards now possess in this district, is Santa Juana. They were driven from the ports of Millapoa, Santa Cruz de Coza; and evac-

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uated the fortress of Purin, which was situated fifteen leagues from the sea, and forty leagues south of the Biobio. They were forced to abandon the city of Imperial, which they had built on the banks of the river Canten, about twelve leagues from the sea.

The district of *Yupaire Maipu* extends along the plain at the foot of the Andes. Nacimiento, Mallien, Corve, Chacayco, Quechireguas, and Guangua, were situated in this district. The Spaniards now occupy only the fortress of Nacimiento, on the south side of the Biobio, between the rivers Bergara and Tubunlen. The missionary settlements on the river Malloa, and those on the Tolpague and Maguehue, have been abandoned.

The district of *Pive Outalmaipu* is situated in the Cordilleras de los Andes, and is inhabited by the Pehuenches, whose territory extends from the fortress of Santa Barbara, and occupies the valleys of the Cordilleras. This Outalmaipu formerly extended from the river Maule, and the Pehuenches occupies the passes of the Maule Longari. A few still remain about the sources of the rivers Retamel, Renegado, and Alico. They now chiefly reside in the valleys of Antuco, Vellacura, Quinco, and about the sources of the river Totten.

The *Huilli Maipu* is the district of country south of the river Totten from the Andes to the sea. It includes the eastern valleys of the Cordilleras. The Huilliches divide this extensive Outalmaipu into four districts. The first is Totten, and extends from the south bank of that river to the river Valdivia, and from the eastern side of the Andes to the sea. The second district stretches along the coast from the river Valdivia to the archipelago of Chiloe. The inhabitants are called the tribe of Cuncos. The third district occupies the plains from the Cordilleras to the province of the Cuncos, and extends north and south from the river Valdivia to the river Sin Fondo, in forty-four degrees south latitude. The inhabitants of this district are called Outa Huilliches. The last division extends south from the river Sin Fondo, as far as is known of the northern continent, and is inhabited by Huayguenes. The Spanish authorities represent this country as thinly inhabited by a wandering, wretched, and barbarous people.

The town of *Villarica*, on the Totten, has been abandoned by the Spaniards; and the fort of San José of Mariguina was destroyed by the Indians.

The fort of *Cruseo*, on the river of the same name, is still occupied by the Spaniards.

There are three missionary settlements; one at Totten el Baxo, called San Francisco del Solano; one at Niebla; and one called San Antonio de Guanahue, on the south bank of the river Callacalla or, as it is called by the Spaniards, the river Valdivia. There is a missionary settlement in the province of the Cuncos, and another twenty leagues to the east of the city of Valdivia, called Nuestra Señora de Pilar.

There are several lakes in these districts at the foot of the Andes. The river Valdivia takes its rise from the lake of Guanegue; Rio Bueno from the lake of Ranco. At the head of the lake which

gives rise to the river Chico, there are warm sulphurous springs. Expeditions have been sent from Valdivia to explore the lakes of Puyegue, and Llayguhue, and to discover the remaining inhabitants of Villarica and Osorno, who are reported to have taken refuge near these lakes after the destruction of their towns. These expeditions failed in their object. The last party ascended the volcano of Ribahanco, but gave no particular account of that mountain.

Mehuín is a roadstead, situated in thirty-nine degrees twenty-six minutes south latitude, and sixty-seven degrees seven minutes thirty seconds longitude west of Cadiz. It is only frequented by small vessels, or by ships driven to leeward of Valdivia by the south wind. It is formed by the island of Silla and the point of Sembrados.

The island of *La Mocha* is separated from the continent by a channel six leagues wide. The centre of the island is in thirty-eight degrees twenty-two minutes twenty-five seconds south latitude, and sixty-seven degrees forty-five minutes thirty seconds longitude west of Cadiz.

There are two anchorages on the coast of La Mocha; one near the southeast point, called the Anogadira, in six or seven fathoms; here there is a good landing; the other is near English creek, in thirteen fathoms water. This island affords an abundant supply of wood and water, and is well stocked with goats and horses.

The island of *Santa Maria* is separated from the continent by a channel 4,391 toises wide. The centre of the island lies in thirty-seven degrees three minutes forty-one seconds south latitude, and sixty-seven degrees twenty-two minutes longitude west of Cadiz. There is a harbor on the north side of the island, and one on the south. The latter is the most secure, and possesses the advantage of a safe landing at the Punta de Aguada, where supplies may be obtained of water, wood, apples, quinces, celery, and sorrel.

The archipelago of *Chiloe*, with some considerable settlements on the opposite shore, constitutes the province of Chiloe, which is attached to the viceroyalty of Lima. The Chilotes, as the inhabitants of this province are called, are of a diminutive stature; and, as far as my observations extended, the cold, bleak climate of the southern hemisphere has the same effect on the growth of animals and plants as that of the north. The inhabitants subsist principally by fishing; they navigate these stormy seas in piraguas, boats of ten and fifteen tons, made of plank, bound together with twisted fibres, and the seams pitched over. The robal abounds in the bays and harbors; it is salted and sent to Lima. They manufacture excellent camlets, coarse woollen stuffs and ponchos, which they dye with a great variety of colours. Their principal trade is in boards and lumber, which they send to Lima, and receive fossil salt, brandy, herb of Paraguay, sugar, and dry goods.

The city of *Valdivia* is situated on the south bank of the river Valdivia, about five leagues from the sea. It was founded by Don Pedro de Valdivia in 1552, and was destroyed by the Araucanians in 1599. In the year 1639 the Dutch landed

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at this place, and attempted to rebuild the town ; but the decided hostility of the natives forced them to abandon their purpose. The ensuing year a Spanish squadron, which had been fitted out to expel the Dutch, entered the bay of Valdivia. The town was rebuilt and fortified. It is now a frontier fortress, and is the presidio for criminals, who are transported here from Peru and Chili. It was attached to the presidency of Chili, from whence it received an annual supply of money, clothing, and provisions. An annual ship supplied the inhabitants with sugar, the herb of Paraguay, dry goods, and brandy, and carried off boards and lumber. The settlements are extended to Rio Bueno, where they pasture some cattle and raise vegetables.

The port of Valdivia is situated in thirty-nine degrees forty-nine minutes seventeen seconds south latitude, and sixty-seven degrees nineteen minutes fifteen seconds longitude west of Cadiz. The entrance is well fortified. The bay of Corral is the best anchoring ground.

Osorno was founded by Don Garcia, while governor of Valdivia. It is situated in the Huilli Maipu, in forty-one degrees south latitude, six leagues south of Rio Bueno, and on the banks of the river Canogas. This town was destroyed by the Indians ; and the towns of Carel Maipu and Calbuco were founded by the fugitives. Osorno was rebuilt in 1796 by the Captain General O'Higgins, and is now a flourishing settlement. The town of San José de Alcudia was built at the same time, in the plains of Molino, on the north bank of Rio Bueno, about ten leagues from Osorno.

A road was opened from Valdivia to the archipelago of Chiloe, by the garrison of Valdivia and a party of Indians. They began at Raygue, and in a little more than three months completed the road to the fort of Maulin, the last Spanish settlement on the continent to the south, and situated opposite the north point of the island of Chiloe. The island of Caylin, in forty-three degrees thirty-four minutes south latitude, opposite the lofty peak of the Corcobado, is inhabited by some few Spanish descendants.

The river of *La Plata*, called by the natives Parana Quasu, (Great Parana,) was discovered by the Spaniards, under the conduct of Don Juan Dias de Solis, in the year 1516.*

* The Portuguese claim the northern shore of the river La Plata by right of discovery, and the Spanish authors are so very contradictory in their dates of the first voyage to that river as to make it doubtful to an impartial reader. They generally agree that the gold and silver which Sebastian Cabot procured from the Guanani Indians, in the year 1526, had been taken from some Portuguese adventurers who were returning from Peru ; and that in 1535 Pedro de Mendoza found a party of Portuguese on the northern shore of the La Plata. The Portuguese accounts attribute the first discovery and settlement of that territory to their countrymen, Alexis and Diego Gavica. In the year 1680 the Portuguese formed a settlement on the northern shore of the river and erected the fort of Colonia del Sacramento directly opposite Buenos Ayres ; the

The earliest establishment appears to have been made on its shores in 1526, by Sebastian Cabot, a Venetian navigator in the service of Spain ; and the town of Buenos Ayres to have been first settled in 1535, by Don Pedro de Mendoza. After being twice destroyed by the Indians, it was rebuilt in 1580, and has flourished since that period. Buenos Ayres was at first annexed to the government of Paraguay, and afterwards made dependent upon the viceroyalty of Lima and the audiencia of Charcas. In the year 1776, the provinces of Buenos Ayres, Paraguay, and Cuyo, were united under the government of a viceroy. In 1778 the provinces of Upper Peru were added to the viceroyalty of Buenos Ayres. It extended on the north to the frontiers of the Brazils, and to the viceroyalty of Lima, where it bounded on the provinces of Carabaya, Cuzco, and Chucuito, and westwardly on the river Desaguadero and the province of Arica. It included the district of Atacama, which extends along the Pacific ocean from Arica to the desert of Atacama. On the west it was separated from Chili by the Cordilleras de los Andes, and extended south to the straits of Magellen.

By the decree of 1778 this viceroyalty was divided into eight intendencias ; each intendencia was subdivided into partidos or districts.

The intendancy of *Buenos Ayres* includes the town of Santa Fe, situated between the river Salado and the Parana, in thirty-one degrees forty-six minutes south latitude. Corrientes, situated on the east side of the Parana, near its junction with the Paraguay, in twenty-seven degrees thirty-three minutes south latitude. The military government of Montevideo, situated on the north-east shore of the river La Plata, in thirty-four degrees fifty-four minutes forty-eight seconds south latitude, and in fifty-six degrees nine minutes fifteen seconds longitude west of Greenwich. The territory of the eastern shore of Uruguay, or Banda Oriental, together with the thirty towns of Guanani missions on the river Uruguay, which formerly belonged to the Jesuits, and the territory of the Rio Negro, in Patagonia, which is occupied by a chain of military posts extending from Luxan to the port of Rio Negro. Buenos Ayres, the capital, is situated in thirty-four degrees twenty-five minutes twenty-six seconds south latitude, and in fifty-eight degrees thirty-

same year they were driven out of it by the Spaniards, but it was restored by the provisional treaty of 1681. In 1705 Colonia was again wrested from the Portuguese, and was restored to them by the peace of Utrecht, in 1715 : whereas Montevideo and Maldonado were not settled by the Spaniards until the year 1724. Colonia was besieged and taken by the Spaniards in 1762, but was again given up by the Treaty of Paris of 1763. The Portuguese were not entirely driven from their possessions on the northern shore of the river until the year 1777, and the right of territory has remained a subject of dispute ever since. Commissioners have been appointed, and have frequently met, but have not been able to settle the claims of their respective Courts. To the long residence of one of these unsuccessful commissioners, Azara, we owe an excellent work on the zoology of these countries.

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one minutes thirteen seconds west longitude, It is the see of a bishop, and includes thirty-four curacies.

The principal articles of export from Buenos Ayres are hides, tallow, horns, skins, bark, vacuna wool, copper, and the precious metals. Buenos Ayres is supplied with salt, from the salt lakes in Patagonia, by annual caravans.

The intendancy of *Paraguay* extends on the north and eastern bank of the river Paraguay to the river Corrientes, which falls into the Paraguay, and to the mouth of the Jaura, in sixteen degrees thirty-four minutes twenty-two seconds south latitude; on the east to the Brazils; on the south to the river Parana, from its confluence with the Paraguay to the river Guasupiraro, which falls into it a little west of the town of Candelaria; thence the line runs to the mountains of Santa Ana, including the towns of Candelaria, Santa Ana, Loreto, San Ignacio Mini, and Corpus. This intendancy embraces the districts of Candelaria, Santiago, Villarica, Curuguati, and Villareal. Paraguay is the see of a bishop, and includes twelve vicarages. The exports from this intendancy are sugar, cotton, tobacco, and the herb of Paraguay, commonly called matte, from the calabash in which it is served. The two last are the principal articles.

The capital town, Assumption, is situated in twenty-five degrees sixteen minutes forty-six seconds south latitude.

The intendancy of *Cordova* extends to the district of Tucuman on the north, west to the intendancy of Buenos Ayres, and on the east is bounded by Paraguay. It includes the districts of Mendoza, San Juan, San Luis, and Rioja.

The town of Cordova is the capital, and is situated in thirty-one degrees fifteen minutes south latitude. Mendoza is situated on a river of the same name, at the foot of the Cordilleras, in thirty-three degrees thirty-one minutes seventeen seconds south latitude. The principal articles exported from this intendancy are grain, fruits, wine, and brandy. The bishopric of Cordova includes eight vicarages.

The intendancy of *Salta* extends on the north to the district of Tarija in Potosi, on the south to Cordova, west to the Cordilleras, and east to the Grand Chaco. The districts of this intendancy are Tucuman, Santiago del Estero, Catamarca, Jujuy, Nueva-Ovan, and Puna. Salta, the capital, is situated in twenty-four degrees thirty minutes south latitude.

San Miguel, the chief town of the district of Tucuman, is situated in twenty-seven degrees ten minutes south. The principal trade of this intendancy consists of horses and mules.

The intendancy of *Potosi* extends on the north to the districts of Yamparaes and Tomina, in Charcas; south to the district of Jujuy, in Salta; it reaches west to the Pacific ocean, and is bounded on the east by Cochabamba. The districts of this intendancy are Porco, Chayanta, Chicas, Tarija, Lipes, and Atacama, which last is separated from the province of Arica by the river Loa, and from Chili by the desert of Atacama. The pre-

cious metals constitute the principal exports from this intendancy.

Potosi, the capital town, is situated on the north side of the celebrated mountain of that name, in nineteen degrees fifty minutes south latitude, and sixty-six degrees sixteen minutes west longitude. From the year 1736 to 1800, the tenths from the produce of the mines in Potosi amounted to \$18,618,917.

The intendancy of *Charcas*, sometimes called the presidency of Charcas, from being the seat of a royal audiencia, or supreme court, extends north to the intendancy of La Paz, south to Potosi, west to the Desaguadero, and east to the intendancy of Cochabamba. This intendancy comprehends the districts of Yamparaes, Tomina, Pelaya, and Oruro. Charcas is an archbishopric, and contains fourteen vicarages.

The capital, Chuquisaca, called also La Plata, is situated in 19 degrees 25 minutes. This intendancy abounds in minerals, salt, sulphur, &c.

The intendancy of *La Paz* extends north to the provinces of Carabaya and Cuzco, in the Viceroyalty of Lima, south to Charcas, west to the provinces of Chucuito and Arica, and on the east is bounded by the government of Moxos and the intendancy of Cochabamba. The districts of this intendancy are Sicarica, Pacages, Omasuyos, (to which is annexed the island of Titicaca, in the lake of Chucuito,) Laricaxa, Chulumani, and Apolabamba. The bishopric of La Paz comprehends thirteen vicarages.

La Paz, the capital of the intendancy, is situated in 16 degrees 50 minutes south latitude. The chief produce is the Peruvian bark and an herb called cocoa, which the Indians and creoles chew, and are very fond of. It is an article of export to the other provinces.

The intendancy of *Cochabamba* extends on the north to the government of Moxos, south it is bounded by the intendancies of Charcas and Potosi, west by Charcas and La Paz, and east by the river Paripiti, which separates it from the government of Chiquitos. The districts of this intendancy are Santa Cruz de la Sierra, Valle Grande, Mezque, Elisa, Arque, Tapacari, Hayopaya, and Sacaba. The bishopric of Santa Cruz de la Sierra comprehends three vicarages and four curacies. Cochabamba is the most fertile of all the intendancies, and is called the granary of Upper Peru. Orepesa, the capital, is situated in 17 degrees 2 minutes south latitude.

The military government of Chiquitos extends north to the mountains of Tapacures, which divide it from Moxos; south to the mountains of Zamucas; west to the district of Santa Cruz de la Sierra; and is bounded on the east by the lake Xarayes. This government is inhabited principally by Indians. There are some missionary settlements among them.

The military government of *Moxos* is very extensive. Separated from Cochabamba by the Cordilleras, it extends south to Chiquitos, and east to the frontiers of the Brazils. It is divided into three districts—Moxos, Baures, and Pampas; and is inhabited by the tribes of Raches, Sirionos,

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Solostros, and Juracares, among whom are some missionary settlements.

There are several small harbors and roadsteads in the river of La Plata. Maldonado, situated on the north shore, is not far from the capes, and is said to be the best part of the river. The next, the port of Montevideo, is exposed to the south-west winds, which sweep over the plains of Buenos Ayres, and blow with incredible violence.

There are several inconsiderable roadsteads between Montevideo and the Ensenada de Barragan, the first good harbor on the southwestern shore of the river. This port is easy of access, and is protected on every side. The only objection to ships lying there, in preference to the insecure roadstead opposite the town of Buenos Ayres, is the low swampy land which surrounds Barragan, and renders the roads always bad, and in the Winter almost impassable. There was a deduction of four and a half per cent. from the duties on goods landed at this port, in order to defray the expense of transportation to Buenos Ayres.

There is a small stream about two miles below Buenos Ayres which is navigable to Baraceas. From hence lighters convey the cargoes to the outer roads.

The entrance of this creek is obstructed by a bar, and, during the prevalence of westerly winds, there is not water enough for the lighters to pass. This circumstance often occasions great detention in loading.

The tides extend a great distance up the river, but their duration depends upon the winds. Indeed, the currents are so very uncertain, and run with such rapidity, that it is advisable to heave the log with a lead attached to the line.

The city of *Buenos Ayres* is built on the south shore of the river, and extends along the bank nearly three miles. The streets intersect each other at right angles, dividing the town into solid squares of one hundred and fifty yards each. The houses are generally two stories high, and are built with terrace roofs. The city is defended by a fort, and is ornamented by convents, nunneries, churches, and the buildings formerly appropriated to the royal monopolies. The population of Buenos Ayres and of the adjacent country was estimated at about 70,000 souls.

The climate is healthy and temperate. The northerly winds, when moderate, last for several days, and have the effect of the sirocco on the feelings. When violent, this wind seldom lasts longer than twenty-four hours, shifting to the south and southeast, with rain and thunder. These storms are invariably terminated by a pampero, or southwest wind. The west and west-northwest winds blow with great violence, but are not frequent. During the prevalence of the southwesterly winds the atmosphere is remarkably dry, and the electric fluid acquires very great activity. On passing the low ridge which skirts the river, the eye extends over an immense plain, spotted with a few settlements and enclosures of the cylindrical *opuntia*, which attains a great height in this climate. Orchards of peach

trees are cultivated to supply the town with fuel. The trees are planted very close to each other, and are kept low, so as to resist the force of the winds, which tear up larger trees.

The uncultivated plains in the vicinity of the city are overgrown with the wild artichoke. This wood grows with such luxuriance that, in the great scarcity of fuel, it is used to heat stoves and ovens.

These plains or pampas extend one hundred and sixty leagues in a west course from Buenos Ayres. They resemble very much the steppes of the south of Russia. Both exhibit the same boundless, unbroken expanse, the same fertility of soil during the rainy season, and dry, parched appearance in the heat of Summer; the total absence of trees; the streams few, flowing with a sluggish current, and brackish to the taste; the lakes and ponds of both incrustated with salt; this mineral efflorescence on the surface of the soil in some places giving it the appearance of being covered by a hoar frost. The character of the inhabitants adds to the resemblance. The *Que-randis*, or *Indians* of the pampas, are *Nomades*, living in temporary huts and tents on the borders of the rivers: and, when they have exhausted the pasture on one spot, roving with their herds and flocks to where it is abundant. The small deer of the pampas resembles the antelope of the steppes, and the spur-winged teal is common to both. On these plains animal putrefaction scarcely goes on at all. On the borders of the rivers, and in low, wet places, the entrails of animals putrefy, but on the high land animal substances will dry up. This is the case in some parts of Spain and Portugal; but at Buenos Ayres, where fuel is so scarce, this drying quality in the air enables the inhabitants to burn in their furnaces and kilns the flesh and bones of animals. Sheep were formerly dried, stacked, and sold at two dollars and a half the hundred for these purposes.

From the mildness of the climate, and the abundant pasture afforded by the extensive plains of Buenos Ayres, the cattle originally brought from Spain have become so numerous that they furnish the chief support of the inhabitants; this is, perhaps, the cause of the miserable state of the interior of this country. It is not uncommon to see a proprietor of a league square of land owning several thousand heads of cattle, and sheep, and horses, living in a miserable hut, and having the bare necessities of life. His house is covered with hides; his furniture is made of the same materials. His yard is enclosed by a few stakes, bound together with thongs; and he may be seen, with his herdsmen, seated by a fire, cutting off slices of beef from a spit stuck in the ground, and eating it without bread or salt.

In the vicinity of Buenos Ayres there are some very productive farms; and wheat and corn are raised in great abundance, by simply scratching the ground with a wooden plough, and harrowing in the grain, by drawing over it a hide filled with earth. Even in the centre of the plains there are some spots cultivated in grain, but

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the distance from the market prevents their raising more than sufficient for their own consumption. The eastern shore of the river Uruguay, including the shore of La Plata, abounds with cattle, and most of the inhabitants are shepherds; where the land is cultivated it has been found very productive, and this territory was the most valuable of the intendancy of Buenos Ayres. Paraguay is an agricultural province, and the domestic manufactures supply all the wants of the inhabitants. The effects of the government of the Jesuits are still felt in this country. The people generally receive the rudiments of education, and are very subordinate to their leaders. They were organized into regiments of infantry, and it is said that Paraguay can bring into the field upwards of 40,000 men. Many of the provinces of Upper Peru possess mines, and the population is divided between the wealthy proprietors, the speculators, and those who work in the mines; and here is to be found all the corruption and misery which are inseparable from this species of gambling.

Cochabamba and some other provinces are agricultural, and the inhabitants are active and intelligent. During the time Upper Peru was in the power of the royalists, the spirit of the revolution has been kept up in these provinces by the guerrillas of Cochabamba.

In the city of Buenos Ayres property is equally divided; there are no very large proprietors, no entailed estates, and but little property in mortmain; the inhabitants are generally well informed, and their intercourse with foreigners has given them habits of industry.

There is very little mixture of blood in Buenos Ayres, and there are only three castes—the creoles, Indians, and negroes. Notwithstanding this port was for some time the entrepot of the African trade, very few slaves remained at Buenos Ayres, and the Government has been able to emancipate them without any serious injury to society.

Previous to the late revolution the means of education were withheld from the creoles. It is true there were colleges at Cordova, Chuquisaca, and Santiago de Chili, where the student was taught Latin, law,* and theology; but they were prohibited from reading any book that could enlarge their views, or give them an idea of their civil or political rights. Every work that bore the stamp of genius was prohibited by the inquisition.

It was considered sinful to read any book marked with the censure of the church, and was deemed an act of piety to denounce any one who was known to possess such a work.

When this restraint was removed, they read eagerly the theories of speculative politicians, and the controversies and attacks on the Christian

religion, published at the commencement of the French revolution; they saw the monstrous absurdity of the doctrines which had been taught them, and they too often stopped there, and became sceptics in religion, and in politics wild and theoretical; their legislators were ignorant of the principles of political economy, and the common maxims of the science of legislation.

In the first Government, the executive and legislative powers were vested in the deputies of Buenos Ayres; next, in an assembly of all the deputies from the chief towns. This assembly transferred their executive powers to a junta of three, and styled themselves the Sovereign Assembly, declaring the executive and magistrates subordinate to them; the executive refused to acknowledge their sovereignty, and published an estatuto, or provisional constitution. By this constitution, one member of the executive resigned his office at the expiration of every six months, and no one could act as president for a longer period. The new members were to be elected by an assembly composed of the municipality of the representatives of the towns, and of a considerable number of citizens elected by the people of the capital, according to the manner to be hereafter prescribed by this Government. The Government formed a high court of appeal; they decreed the liberty of the press, and the security of individuals from illegal arrest. These decrees have been renewed by each successive Government; but the people of these countries never have enjoyed the freedom of the press or individual security. This junta took the title of the Superior Provisional Government of the United Provinces of the river La Plata, in the name of Ferdinand VII. Pamphlet No. 1 contains the constitution and the decrees. Shortly after this estatuto was published, the assembly was dissolved; after dissolving another assembly, this Government was abolished, and a Supreme Director chosen. The Congress afterwards assembled and confirmed this form of government; and the same men who voted to deprive the president of the first Junta of all distinctions, and whose fears were excited by his having an escort of twenty-five dragoons, have vested the Supreme Director with regal power, and have given him a guard of three hundred select cavalry.

In all these changes the people have borne but little part. In a capital containing upwards of 50,000 inhabitants, not more than five or six hundred have ever voted; and the town meetings which generally decided the change of rulers, and often the form of government, were rarely composed of more than two or three hundred, sometimes of less than one hundred persons. Since the commencement of the revolution, there has been a constant struggle for power between the capital and the provinces.

Buenos Ayres has hitherto maintained the ascendancy, from the superior intelligence of the inhabitants, and from having within itself the means of carrying on the war. The duties on imports and exports furnish the principal resources of the Government, and the leaders of the revo-

* The practice of the law in these countries was not, as in the United States, an open appeal to impartial justice, but the art of multiplying acts, and procrastinating a suit, until the favor of the judge was secured by bribery or influence.

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lution are for the most part citizens of Buenos Ayres. The provinces are governed by a commander appointed by the executive of Buenos Ayres. Paraguay first revolted from this dependence on the capital, and, from the commencement of the revolution to the present day, has been governed by its own chiefs; they are not at war with Buenos Ayres, but have no connexion nor hold any communication with that Government. They too have tried a great many political experiments, and their present form of government is copied from the ancient Roman; it consists of a senate and two consuls. Francia, the principal leader in the revolution, is said to govern that country despotically. As in Buenos Ayres, the constitutional restrictions have been found a feeble check to the arbitrary exercise of military power.

The inhabitants of the eastern shore of La Plata have refused to submit to the capital, and have successfully opposed the arms and negotiations of Buenos Ayres; their character is represented as turbulent and daring, but they are warlike and enthusiastically attached to their leader, Artigas, who contends for independence, both from the Government of Spain and from that of Buenos Ayres. No Government has ever been organized on the territory of the eastern shore, owing to the dissensions between the capital and the provinces. The people of Peru have not taken a very active part in the revolution, and many creoles were to be found in the royal armies; the influence of the clergy contributed for some time to this state of things. By the Spanish laws, the high offices in the convent were divided alternately between the European and creole monks. The church being the only road to preferment open to the creoles, they crowded into it; but this alternative balanced their influence. The European monks sent from Spain were chosen from amongst the most zealous and intelligent, and from the pulpit and in the confessional chair successfully inculcated the doctrines of divine right and of unqualified submission to the King, and, above all, of implicit belief in the infallibility of the clergy.

The Government of Buenos Ayres abolished the alternative, and banished some of the most intolerant of the European monks and clergy. The creoles who have taken orders are enthusiastic in favor of the revolution, and have been highly useful to that cause in the interior provinces. The influence of the clergy in the city of Buenos Ayres appears to be at an end. The condition of the people of Chili is different from that of any other of the Spanish colonies; the country is for the most part, in the hands of large proprietors, who let out their lands to tenants upon the conditions of personal service, and of the payment of a moderate rent in produce. As the landlord may, at will, drive the tenant from his farm, or augment the rent, according to the increased value, the farmers are deterred from improving their houses or land, and content themselves with raising what is necessary to pay the landlord and to subsist their families. Most of

the large estates are grazing farms, and the personal services of the tenants consist principally in tending the cattle. They are expected, however, at all times to be ready to obey the orders of their landlord. Many of these estates are entailed, and all of them encumbered with some legacy to the church. More than half the property in Chili is in mortmain. With few exceptions, the clergy have been opposed to the revolutions in each of the districts. In Chili there is a regiment of militia cavalry, well mounted, and armed with lances. These regiments are under the control of the colonel, and have, in every instance, followed him to the field, and fought for the cause he espoused. Unfortunately, this country has been divided into violent and irreconcilable factions by two powerful families, the Carreras and Larraíns, both equally anxious to liberate their country from the yoke of Spain, and both using every means in their power to obtain the command.

In Lima there has been no revolutionary movement. The landed estates are in the hands of large proprietors, and are cultivated by slaves. They are fearful that any attempt to change the form of government would be attended by a loss of their property; and, from the great number of blacks and mulattoes in this viceroyalty, the contest would probably terminate in the same manner as the revolution of St. Domingo.

Buenos Ayres and Chili have been virtually independent for the last eight years, and the effect upon the character and condition of the people has been highly beneficial. The human mind appears to have risen with elasticity from the weight of tyranny which had so long oppressed it, and to have improved rapidly in the arts, in knowledge, and in all the comforts and enjoyments of life. These are benefits which will not be surrendered without a desperate struggle. Their forces are numerous, well organized and disciplined, and were the provinces united, they possess the means of defending themselves against the efforts both of Spain and Portugal. Their dissensions and ambition render them, in the opinion of some, unworthy to be free; but let us recollect that the virtues which adorn society and brighten the page of history are the offspring of freedom and science, and that, when a people have been for centuries kept in subjection by ignorance and superstition, the first effort to burst their fetters will call into action the most violent of the human passions, and hurry men to commit the greatest excesses. The course of such a revolution will be too often stained by cruelties and crimes, and will almost inevitably terminate in a military despotism. From the mild and intelligent character of the creoles of South America, there is every reason to hope that, when emancipated from Spain, and relieved from these present difficulties, they will follow the bright example of the United States, and establish a government of laws.

From the year 1580, when the city of Buenos Ayres was permanently settled, until the year 1778, the history of these countries comprises

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only a series of domestic vexations from the despotism of viceroys, of privations from monopolies and commercial restrictions, and of sufferings from wars foreign to their interests. In the year 1778 the Indians of the provinces of Upper Peru made an ineffectual attempt to shake off the Spanish yoke. They assembled in great force, and, under the command of Tupac Amaru, a descendant of the Incas of Peru, plundered and destroyed a great many small towns. They twice laid siege to the city of La Paz, but, being without firearms, or ignorant of the use of them, they were repulsed with great loss. After a hopeless contest of three years, they were defeated by the combined armies of Buenos Ayres and Lima. Tupac Amaru, who had been proclaimed Inca, fell into the hands of the conquerors, and, together with the principal leaders of the revolt, was put to death with the most cruel torments. This decisive action put an end to the insurrections of the Indians of Peru, and these colonies remained tranquil until the sudden invasion of the English in 1806.

Sir Home Popham, aware of the disposition of his Government to obtain a footing in the Spanish colonies, and well informed of the defenceless state of Buenos Ayres, determined to make an attack upon that city. Instead of returning direct to England from the Cape of Good Hope, he entered the river La Plata; and, to the astonishment and consternation of the inhabitants, General Beresford landed a few miles below the city of Buenos Ayres with two thousand men. The viceroy, Sombremonte, was panic struck; arms were distributed to the militia, who, ignorant of their use, ran out without order to look at the enemy, and General Beresford marched into the city, and took possession of the citadel without opposition. Don Juan Martin Pueyrredon was the only officer who, at the head of a company of hussars, harassed the enemy's march.

Sir Home Popham returned to England with the fleet, and General Beresford did everything that could be expected from a brave and generous commander to reconcile the inhabitants, and to secure his conquest. These officers had calculated only the facility of surprising the town, and had overlooked the difficulty of keeping possession of an enemy's country with a small force, at so great a distance from their resources. The inhabitants were irreconcilably opposed to the British. The Chevalier de Liniers, a French emigrant in the service of Spain, passed over to the eastern shore of the river and excited the inhabitants to arms; and the viceroy, who had fled to Montevideo, assembled a small force, the command of which was given to Liniers; he crossed the river, and was joined by all the inhabitants of Buenos Ayres who could escape the vigilance of the British sentinels.

The English commander being summoned to surrender the town, signified his determination to defend himself to the last extremity. General Liniers, at the head of his regular forces, immediately commenced the attack, and soon drove

the garrison into the fort, where they were forced to capitulate.

The British general officers were sent on their parole to Luxan, a small town twelve leagues from Buenos Ayres, and the rest of the prisoners were marched into the interior.

The emancipation of the Spanish colonies appears to have been a favorite project with Mr. Pitt. The ex-Jesuit Don Juan Pablo Viscardi Gusman, a native of Arequipa, and an enthusiast in favor of the liberty of America, had frequent conferences with that Minister, and, in his answers to a series of inquiries presented to him, gave a favorable view of the facility with which a revolution might be effected in that country. He afterwards published in London an eloquent appeal to his countrymen, exhorting them to shake off the yoke of Spain. During the administration of Mr. Adams some proposals on this subject are said to have been made to our Government by the British ministry, which were not acceded to. In 1797 a disposition to emancipate their country was manifested by the inhabitants of the Caraccas, and was encouraged by General Picton's proclamation, issued from the island of Trinidad.

In 1801, Mr. Pitt's eagerness to open this market to the trade of Great Britain induced him to aid the untimely and ill-planned expedition of Miranda; and it appeared at the trial of Sir Home Popham that the administration had countenanced the attack upon Buenos Ayres.

From the little opposition experienced by the British troops on this expedition, and from the facility with which Buenos Ayres had been occupied, the plan of emancipating these colonies appears to have been relinquished, and the conquest of all the Spanish possessions in America determined upon by the British Cabinet. This change of policy may be inferred from comparing the proclamation of Sir Thomas Picton, published at Trinidad by order of Mr. Dundas, Minister of His Britannic Majesty for Foreign Affairs, dated 26th of June, 1797; and the instructions given in 1807 to Generals Whitlocke and Crawford. The former encourages the inhabitants "to resist the oppressive authority of their Government;" and declares that "they may be certain, whenever they are in that disposition, to receive all the succors to be expected from His Britannic Majesty, be it with forces or with arms and ammunition, to any extent; with the assurance that the views of His Britannic Majesty go no further than to secure to them their independence, without pretending to any sovereignty over their country, nor even to interfere in the privileges of the people, nor in their political, civil, or religious rights."

The instructions of the right honorable Mr. Windham, Secretary at War, to Generals Whitlocke and Crawford, were in a different spirit. The first was to proceed with the forces under his command to the river of Plate, and to take possession of Buenos Ayres in the name and behalf of His Britannic Majesty. He is ordered not to introduce into the Government any alter-

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ation, except in the appointment of individuals, whose change should be found necessary; nor to give any assurance that they shall not be given up to Spain at the conclusion of the present war. General Crawford was to proceed to the river La Plata, subject to the orders of General Whitlocke. Thence, as it was supposed that his forces would not be required after the reduction of Buenos Ayres, he was directed to pass round Cape Horn, and take possession of Valparaiso. He is ordered to discourage all hopes of any other change in the condition of these countries than that of transferring their dominion to the Crown of Great Britain.

The generals on the Atlantic and Pacific are instructed to establish a line of military posts across the continent. Their operations are limited strictly to these points, whatever prospects of easy conquest may be held out from the defenceless state of Peru, as an untimely movement might defeat the ulterior operations intended against those countries. These instructions are to be found among the official documents annexed to the report of General Whitlocke's trial, published in 1808.

The following extracts from General Whitlocke's defence will show the effect of this policy upon the inhabitants of Buenos Ayres, and will give the opinion of the commanders of that expedition with respect to the means of defence:

"It was known that the people were divided into factions, and that various causes had rendered a large proportion of the inhabitants ripe for revolt; and great numbers were anxiously looking to a separation from their mother country as the only means of availing themselves of the natural advantages of their local situation. It was, therefore, naturally concluded that people, who feel themselves oppressed rather than protected, as excluded, by restrictions founded upon a narrow and selfish policy, from many commercial advantages, would gladly change their Government; and if it were once established in a military post in the country, the above causes would make it easy to open an extensive intercourse with the inhabitants, and new channels for trade and commerce.

"It was supposed that the character of this country* for liberality and good conduct towards those who came under our dominion insured us the good wishes of the greater part, and the co-operation of a large proportion, at least, of the community. The public hopes and expectations were raised to the highest pitch, and no suspicion existed that it was possible for the greatest part of the population of South America to entertain any other than a just feeling of attachment to our Government; still less that it was possible that such a rooted antipathy could exist against us as to justify the assertion (the truth of which has been proved to demonstration) that we had not, when I arrived in South America, among the inhabitants, one single friend in the whole country. Whether the opinion of the illustrious

statesman,* now no more, who had so frequently turned his thoughts towards South America, had led him to contemplate the propriety of establishing military posts there, or the co-operating only with those who would gladly have followed the example of North America, and availed themselves of our assistance in establishing their independence, I have no means of knowing; but experience has shown that any other course of proceeding than that last mentioned, even if most successful, and almost in proportion to success, must have had the effect of placing us at a greater distance than ever from our ultimate objects, those of friendly intercourse and trade with the country.

"It is supposed in my instructions, that, after effecting my first object, I might safely part with a proportion of the force under my command, and retain only about eight thousand, which, it was supposed, must, in any case, in addition to such troops as I might raise in the country, be amply sufficient to conquer and keep possession of the country; for such had been the misrepresentations to Government upon this subject, that it was supposed that a considerable force of this description might with safety be established. I was directed, as the court will have observed, to use precaution as to the raising of this local force, and particularly to take care that one-third of each rank of officers should be British, and to select the description and classes out of which it was to be framed; but, subject to these precautions, it was conceived, and so stated in my instructions, that much aid might be derived from this source towards securing His Majesty's possessions in that quarter, and avoiding, at the same time, the necessity of too large a demand on the regular forces of this country. (I use the very words of the instructions.) Such, as the court will have seen, was the impression in this country on my appointment to the command.

"What was the actual situation of the country on my arrival?

"I naturally resorted to the very able and experienced officer who commanded at Montevideo, and who had diligently employed himself in acquiring every possible information upon this subject. I found that, in the course of his operations against Montevideo, and after its capture, he had every reason to believe that the people were, without exception, inimical to us; that, previous to the surrender of Montevideo, he could place no confidence in any information he received; and that, after its capture, a sullen silence pervaded every rank. But he also found reason to believe that, however inimical they were to us, they were still more so to their present Government; for, upon reports arriving at Montevideo, which afterwards proved false, of the abolition of the court of audiencia, the setting aside of the King's authority, and not hoisting the Spanish colors, those who had appeared hostile and inveterate now pressed him to advance a corps to Buenos Ayres, and assured him that, if he would

* Great Britain.

* Mr. Pitt.

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acknowledge their independence, and promise them the protection of the English Government, the place would submit.

"The party in power were mostly all natives of Spain, in the principal offices of church and state, and devoted to the Spanish Government. The second party consisted of natives of the country, with some Spaniards settled in it. The disposition of the mother country had made them most anxious to shake off the Spanish yoke; and though, from their ignorance, their want of morals, and the barbarity of their dispositions, they were totally unfit to govern themselves, they aimed at following the steps of the North Americans, and erecting an independent State. If we would promise them independence, they would instantly revolt against the Government, and join us with the great mass of the inhabitants. The next consideration was our giving up the footing we had in South America. On this subject many important considerations presented themselves. First, the situation of the country and the nature of our instructions. It was supposed, from the information received by Government, that the country would be conquered and kept in subjection by eight thousand troops, which was considered as a large force; but the information received by Government upon this subject must have been founded in ignorance of the true state of the country. I found, on my arrival, that the resistance we should have to contend with far exceeded every calculation; not a single friend had we in the country; on the contrary, every inhabitant was determined to exert his individual strength. Upon this subject I rely upon the experience of Sir Samuel Auchmuty, who stated that double the number of troops I have mentioned would be required to conquer and keep possession of the country." On the return of the Viceroy Sobremonte from Montevideo, the people refused to receive him, and wished to proclaim Liniers. That officer appeased the tumult, and reinstated Sobremonte in his command. The Cabildo, however, deposed him as soon as they heard of the approach of another British expedition, and gave the command to Liniers. They then despatched a deputation to Spain, in consequence of which Sobremonte was recalled, and Don Santiago Liniers appointed Viceroy of La Plata.

The advanced guard of the second expedition, under the command of Sir Samuel Auchmuty, landed on the eastern shore of the river La Plata, and laid siege to Montevideo. Soon after batteries were opened, a breach was made, and the place taken by assault. The main body, under General Whitlocke, arrived in the river Plate on the 9th of May, 1807, and, after remaining at Montevideo until the arrival of General Crawford's division, the British army proceeded up to Buenos Ayres; General Whitlocke, following the example of General Beresford, landed his troops below the town, and experienced incredible difficulty in the transportation of his artillery over the low swampy lands which skirt the borders of the river.

The country people were decidedly hostile, and none could be prevailed upon to serve as guides, or to procure cattle for the army. The columns mistook the road, and the men were almost famished when they arrived before the town. The want of proper accommodations for his troops, and the dread of the rainy season, induced General Whitlocke to order an immediate attack. During the march of the British troops from Esenada, the inhabitants of Buenos Ayres recovered from their first panic; and dispositions were made to defend the town by cutting ditches across the principal streets, placing the militia on the flat roofs, and securing the entrance of the houses.

Sir Samuel Auchmuty, who commanded one column of attack, entered the upper part of the town, and, after a sanguinary conflict, drove the Spaniards from the square, and took possession of the Plaza de Toros, a large circular building, where the bull fights are held. This position commands the whole town. General Crawford led the column which entered the lower part of the town. He met with little opposition until he had advanced within a few hundred yards of the fort; suddenly a tremendous fire was opened upon the column from the windows. Bombs and grenades were showered down upon the ranks from the roofs of the houses; without petaras, scaling ladders, or even axes, the troops in vain endeavored to break open the doors; and General Crawford, after losing half his force, without being able to make any effectual resistance, retreated into a large church, where he defended himself for some time. The church was exposed to the fire of the fort, and he was at length compelled to surrender at discretion. This decided the fate of the expedition.

General Whitlocke was informed of the capture of General Crawford's columns, and it was intimated to him that, if the attack continued, it would be impossible to protect the prisoners from the rage of the people. Finding that the object of the Government could not be accomplished, he entered into a treaty with Liniers, by which he agreed to evacuate Montevideo, and the territory of the river La Plata, provided he was permitted to re-embark his troops. These conditions were immediately conceded, and the British forces abandoned the shores of La Plata.

The expedition under General Whitlocke, assisted by the disposition of the people, might have secured the emancipation of these colonies, but was not adequate to transfer their dominion to the Crown of Great Britain.

The revolution in Spain changed the destination of a still more formidable expedition fitted out by Great Britain, and intended for the final conquest of these colonies. Monsieur de Chasne, an emissary of Napoleon, arrived in Buenos Ayres in 1808. The viceroy, Liniers, laid his despatches before the audiencia and the Cabildo, and Mons. de Chasne was sent off. He afterwards fell into the hands of General Elio; and, after experiencing the most cruel treatment, was sent back to Buenos

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Ayres, from whence he was conveyed as a prisoner to Cadiz.

The viceroy, Liniers, issued, about this time, a proclamation setting forth the state of the Peninsula, and exhorting the people to remain tranquil, and to follow the fortune of the mother country, whatever might be the issue of the present contest. The same language was held by the regency of Spain. In an address to the Americans, they say, it is sufficient for you to be Spaniards, unless, whatever be the event of fortune, you also belong to Spain.

General Elio, who had been appointed military governor of Montevideo, had secretly excited the inhabitants of the eastern shore to revolt against the authority of the viceroy. He now accused Liniers of treason, refused to obey his orders, and formed a Junta in Montevideo, on the model of the Provincial Government in Spain. The arrival of Goyeneche, who left Madrid as the emissary of Murat, and afterwards accepted a commission from the Junta of Seville to proclaim Ferdinand VII. in South America, contributed to agitate the public mind, and to encourage the spirit of revolution. The people were invited to take part in the dissensions of the chiefs, and were called upon for the first time to think and to act. Goyeneche landed at Montevideo, where he approved the conduct of General Elio, and assured him that the formation of a Junta would be highly acceptable to the Government of Spain; at Buenos Ayres he applauded the loyalty of Liniers; in the provinces through which he passed on his way to Lima, he advised the establishment of Juntas. At Lima he solicited and obtained the command of the army sent against the Junta of La Paz, and conducted the war against that province in the most sanguinary and impolitic manner.

Notwithstanding the Central Junta of Spain had been recognised by Liniers, and through his influence by the people of Buenos Ayres, that Government listened to the accusations of his enemies, and superseded the only man whose popular character and services to the State could have preserved this colony from immediate revolt.

On the arrival of the new Viceroy, Cisneros, Liniers was strongly solicited to retain the command. The military offered to support him; and hopes were entertained by the patriots that the impolicy and injustice of the Spanish Government would drive over to their party this able and popular leader. But Liniers, who appears to have acted throughout with chivalric honor, disappointed their hopes, by privately withdrawing himself from the solicitations of his friends and the persecution of his enemies.

Cisneros did not possess the character or abilities necessary to repress the revolutionary spirit of the people of Buenos Ayres. The decree of free trade, extorted from this Viceroy in 1809, increased their intercourse with foreigners; and the ignorance and superstition by which their allegiance had been hitherto secured was fast wearing away; while their conquest of the capital, and their successful defence against the last

formidable invasion, without any assistance from the mother country, gave them confidence in their strength and resources.

Shortly after the news of the seizure of the royal family reached the Brazils, manifestoes were published by the Infant Don Pedro, and by the Princess Charlotte, the sister of Ferdinand VII., and the consort of the present King of Portugal, setting forth their right to the Spanish dominions in America. They were accompanied by letters addressed to the viceroys and governors of provinces, and were circulated from Mexico to Buenos Ayres. The first scheme of the revolutionists was formed upon these pretensions.

They proposed to deliver up the country to the Princess Charlotte, expecting to retain the administration in their own hands; and intending, at some more fortunate period, to assert their entire independence.

They despatched an agent, with their proposals, to Rio de Janeiro. The princess accepted their offer, upon condition that they should admit a Portuguese garrison into Buenos Ayres. As this measure would have defeated the plan of the revolutionists, the negotiation was dropped.

The first revolutionary movement in the Viceroyalty of La Plata was made in La Paz; and a Junta was formed in the capital of that intendency, after the plans of the provisional Juntas of Spain.

The Viceroy of Lima resolved immediately to suppress this party, and despatched Goyeneche, at the head of a large force, into Upper Peru. La Paz was taken, and the members of the Junta, with some of the principal citizens, put to death—the first example of the exterminating fury with which Goyeneche conducted the war in Upper Peru. The failure of the plan to transfer the Government to the Princess Charlotte obliged the leaders of the revolution to adopt more decisive measures. Their intentions were discovered, and it was expected that every means would be used to frustrate them. Their danger obliged them to act with promptness and resolution; and the first attempt of the Viceroy to check them was followed by an open declaration on their part. He was peremptorily ordered to resign his command, and, after a short struggle, and a vain appeal to the people, was obliged to comply. Immediately upon his resignation, a meeting of the principal inhabitants was held in the town-hall of Buenos Ayres. In this assembly, the bishop, whose influence had hitherto been unbounded, ventured to oppose the current of public opinion; but his authority was no longer sacred, and his assertions, that the last Spaniard who remained in America ought by right to govern the country, excited such universal indignation, and drew upon him such a torrent of abuse, that he retired to his palace confounded and dismayed.

This assembly, still wishing to temporize, created a provisional Junta, and named the ex-viceroy president; but the people, who had felt their power, refused all compromise, and on the 25th of May, 1810, a Junta was elected from the creoles

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of Buenos Ayres, and took possession of the command, amidst the universal acclamations of the people.

Every exertion was immediately made to extend the revolution to the interior provinces, and troops were despatched to favor the patriots in Peru and Paraguay.

The ex-vice-roy and fiscals endeavored to counteract this plan, and maintained a correspondence with the Spanish authorities in those provinces. As soon as this conduct was known to the Government, they were summoned to the fort, and directly conveyed on board an English cutter, chartered to transport them to the Canaries. The royal audience was at the same time dismissed for contempt of the Junta; and the Cabildo, chiefly composed of Europeans, having, in a secret meeting, sworn allegiance to the regency of Spain, the members were banished, and it was declared by law that no European should hold any public office under the Government of Buenos Ayres.

The Count de Liniers, who had retired to Cordova, assembled a small force, and determined to oppose the progress of the revolution in the interior. Before he had time to strengthen himself, his party was attacked and totally defeated by the troops of Buenos Ayres; and he, with the bishop, the Governor of Cordova, and four of the principal officers, fell into the hands of the victors.

Either from the personal enmity of his judges, or from fear of his popularity and extensive influence, which made it equally dangerous, at that early stage of their revolution, to banish or imprison him, it was resolved in the Junta that Liniers and his accomplices should be put to death, except the bishop, whose sacred character protected him. They were met on the road to the capital by a military commission, and were shot, after being confessed by the bishop, who was forced to witness the execution of his friends.

The expedition to Upper Peru was conducted by a commission; Castelle was the member selected for this important command; he was one of the earliest and most distinguished leaders of the revolution from the Junta of Buenos Ayres.

The Indians were emancipated from the most oppressive services; the auxiliary army, hailed by these unfortunate people and by the creoles as their deliverers, soon occupied the whole territory of the viceroyalty, and the towns were invited to elect deputies to represent them in the Congress about to be held at the capital.

In the mean time, the dissensions natural to a Government composed of one numerous body broke out, and produced those factions which have since divided their councils and distracted the State. They originated in the personal animosities of the president of the Junta* and of the Secretary of State,† a man of violent temper, ardent in his love of liberty, and too conscious of his superior abilities to brook control. As the secretaries had a right to deliberate and vote in

the Junta, he was enabled to oppose the president in all his views, and obtained a decree depriving him of all distinction, except that of his presidency when sitting in Junta. On the arrival of the deputies from the provinces, they were admitted into the Provincial Government, and the spirit of party was augmented by this accession of numbers. As they had been received contrary to the opinion of the secretary, who contended that it defeated the intention of the election, which had been to form a deliberative body, the president found no difficulty to procure the secretary's banishment; he was sent on a mission to England, and died on his passage.

The members of the opposition, unable to resist the president's party in the Junta, determined to establish a club in the city, and, by uniting the most factious of the military and citizens, control the measures of Government. Aware of the probable effects of this combination against him, the president had recourse to the most violent and unjustifiable measures to destroy it. On the morning of the 5th of April, 1811, three regiments devoted to his interest were drawn up in the principal square of the city. The corporation were assembled, and the petition was presented to them from two or three hundred peasants, who, in the name of the people, demanded the banishment of the members and officers most inimical to the president. The corporation, awed by the military, reluctantly complied; the obnoxious persons were banished; the club abolished; and a number of the citizens thrown into prison.

This impolitic measure was the commencement of those violent changes which have so frequently retarded the progress of the revolution. The leaders of the army of Peru, which was now encamped on the frontiers of the viceroyalty of Lima, declared against the revolution of the 5th of April, and threatened to turn their arms against its authors. It was thought a necessary measure of precaution on the part of the Junta to introduce discord among the chiefs, and their dissensions finally occasioned the entire defeat of that army, at the battle of Hualqui, when the royalists and patriots mutually accused each other of breaking an armistice. The news of this disaster, which well nigh proved the ruin of their cause, was received with joy by the ruling party in Buenos Ayres, who only saw in it the destruction of a formidable rival.

The Junta of Buenos Ayres had neglected to occupy the important place of Montevideo at the commencement of the revolution; and the Spanish marine, which, with equal oversight, had been permitted to leave Buenos Ayres, rendezvoused there, and commenced hostilities against the Junta; they harassed the commerce on the rivers, and blockaded the ports of Buenos Ayres.

On the arrival of General Elío with the appointment of captain general and viceroy of these provinces, he withdrew the blockade, and made an attempt to get possession of the command, either as viceroy or as president of the Junta.

His proposals were treated with contempt by

* Don Cornelio Saavedra.

† Moreno.

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the Government of Buenos Ayres, and he shortly after despatched a small squadron to the Parana, in order to destroy some vessels belonging to Buenos Ayres, which were stationed there for the protection of the trade. This was effected, and the blockade renewed. The British admiral did not consider the authority of the viceroy sufficient to establish a legal blockade, and came down in person from Rio de Janeiro to insist upon the inviolability of the British flag. After some negotiations with General Elio, he gave orders to the commander on this station to protect the entrance of British vessels into all the ports of the river La Plata. The blockade became, therefore, of no effect; and the squadron was employed in ravaging the coast, but returned from time to time to bombard the city.

During these attacks, the Europeans in Buenos Ayres were harassed and mortified. The unmarried were banished, and those who remained were subjected to the most vexatious and humiliating regulations.

In the midst of these transactions, the inhabitants of the eastern shore of the river La Plata had been excited to revolt against the European authorities in Montevideo, and, as General Elio was particularly disliked by them, this was easily effected: they rose in mass, defeated the royalists at Piedras, and drove them within the walls of the town. A small regular force was immediately despatched to aid their operations, and that town was blockaded by land.

The expedition against Paraguay had failed of its object, and had served only to irritate the inhabitants of that province; and although they shortly afterwards expelled their European magistrates, and established a provisional Junta, they have constantly refused all connexion with Buenos Ayres. General Elio, alarmed at the spirit manifested by the people of the eastern shore, and pressed by a besieging army, sent deputies to Buenos Ayres to solicit peace, offering to return to Spain, and stipulating that the town of Montevideo should send a deputy to the Congress of Buenos Ayres, provided it was suffered to remain independent of the Junta. The news of the revolution in Paraguay, which was received at the same time, prevented the Government of Buenos Ayres from acceding to this proposal. Ignorant of the intention of the chiefs of that province, and presuming that they would unite in the common cause, they insisted upon the unconditional surrender of Montevideo. General Elio then applied for assistance to the Court of Brazil: that cabinet, in hopes to realize their favorite project, and to obtain possession of Montevideo, immediately granted his request, and 2,500 men were ordered to pass the frontiers. In consequence of this measure, the situation of Buenos Ayres became alarming. From the state of their discipline, the defeat at Hualqui proved a total dispersion of that army, and the forces of Lima successively occupied La Paz, Potosi, and Cochabamba.

The Portuguese troops advanced rapidly to the relief of Montevideo, and great discontent reigned

in the capital. In this state of affairs it was thought advisable that the president should proceed to Peru, in order to collect their scattered forces, and, by his presence, restore the confidence of the inhabitants of the provinces not yet occupied by the enemy. He consented to this arrangement, and appointed to the command of the garrison, during his absence, those men who had served under him in the revolution of the 5th of April, and of whose attachment and fidelity he felt secure. He had scarcely left the capital before a town meeting was assembled, which deposed him; they then named an executive of three,* and declared the Assembly of Deputies a deliberative body. In their eagerness to change, they neglected to secure themselves against the abuse of power.

They intrusted to the executive the right of enacting their own laws, and permitted them to frame a constitution for their own government. The legislative assembly proved an intolerable restraint upon an executive furnished with such powers, and a pretext was soon found to dissolve that body.

The first act of the new Government of Buenos Ayres had been to conclude a treaty with General Elio, by which it was agreed, on the one part, that the troops should be withdrawn from the siege of Montevideo, and that that place, including the eastern side of the river La Plata, should remain under the Spanish authorities; on the other part, that the trade of Buenos Ayres should not be molested, and that the Portuguese forces should retire to their own frontier. On the part of Buenos Ayres, the conditions of this treaty were faithfully executed, and the territory of the eastern shore was immediately evacuated by their troops. General Elio, who had discovered the intentions of the Court of Brazil, had been induced to conclude this treaty from fear of so dangerous an ally; but the commander of the Portuguese army, who had been made a party in the treaty without being consulted, declared that he could not act until he received instructions from his Court, and proceeded to fortify himself in Maldonado. Having failed in his attempt to obtain possession of Montevideo, without which it was impossible to retain any part of the eastern shore, the Portuguese Court sent an agent to Buenos Ayres, and concluded an armistice with that Government; in consequence of which, their troops evacuated the territory of La Plata.

The people of the eastern shore, who dreaded the vengeance of the royalists, to which they had been shamefully abandoned, deserted their homes, drove off their cattle, and followed Artigas, their favorite leader, to the other side of the Araguay.

Shortly after the return of the army from Montevideo, an unsuccessful attempt was made, by the regiment of patricians, to effect a revolution, and to re-establish their former colonel the

* Chicana, Sarratea, and Passos, were the members chosen upon this occasion. The secretaries of this Junta were Rivadavia and Paves.

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first president of the Junta. Although abandoned in the moment of execution by the officers who had excited the revolt, they were not reduced until after a bloody conflict.

As soon as it was known in Spain that General Elío had concluded a treaty with Buenos Ayres, he was recalled; and his successor, General Vegodet, who arrived with reinforcements, recommenced hostilities against the revolutionary Government. The command of the army of Buenos Ayres was intrusted to a member, Don Manuel Sarratea, of the executive, who crossed the river at Santa Fe, and again invested Montevideo.

A Government so constituted as that of Buenos Ayres, without restrictions and without responsibility, could not long command the confidence of the people, or exist in harmony.

The citizens were oppressed, and the rulers were entirely taken up with their own private animosities and disputes. These dissensions, as usual, soon extended their effects to the armies before Montevideo. The inhabitants of the eastern shore separated their forces from those of Buenos Ayres, and the latter caballed against their commander-in-chief, dismissed him, and appointed one of their own choice. The Europeans saw, in these disorders, a favorable opportunity to effect a counter-revolution. A plan was formed to obtain the watchword by surprising the patrols, to seize on the barracks, and, favored by a descent from the squadron of Montevideo, to get possession of the city.

This conspiracy was discovered on the eve of its execution, and thirty of the principal conspirators were tried and executed.

In October, 1812, deputies arrived from the interior provinces to form a Congress at Buenos Ayres; but differences arising between them and the Executive, the Assembly was dissolved on their first session.

The remains of the army of Peru had retired before the victorious troops of Lima, until the want of means to continue their retreat forced them to make a stand at Tucuman. On the 24th September, 1812, an obstinate engagement took place, which, from the active co-operation of the inhabitants of Tucuman, ended in the total defeat of the royalists.

Owing to the dissensions of the Government, the army of Peru was left without the means of advancing, and could not profit by their success. The discontent became general, and the party opposed to the Government seized the opportunity to effect a revolution.

The military, so often the instrument of faction, again lent their aid, and a new Executive was appointed by a *cabildo abiento*, or town meeting. Succors were at length sent to the army of Peru, which enabled General Belgrano to advance and attack the royalists at Salta. In this action, fought in February, 1813, the Spaniards were defeated with great loss; and Belgrano, following up his victory, took Salta by assault, and captured General Tristán, with the remains of the royal army. The prisoners were

released on their parole, which they immediately violated, and were again incorporated into the army of Goyeneche. This General had commanded the royal army in Peru since the memorable invasion of La Paz; but being forced to evacuate the territory of Buenos Ayres, by the approach of the victorious army of Belgrano, he was recalled by the Viceroy of Lima.

The Viceroyalty of La Plata was again freed from enemies, and the deputies from the provinces and towns once more assembled at Buenos Ayres. They assumed the title of the Sovereign Assembly, and conferred that of supreme executive power upon the former superior Government, which was composed of three persons.* They declared the sole right of making laws to be vested in the Assembly, and the Executive to be responsible to them for its acts.

One of the first decrees of the Sovereign Assembly manumitted the offspring of slaves born after February, 1813, and emancipated all slaves that might be brought into the territory of La Plata after that period.

The slaveholders were called upon for every third slave, which were enrolled in the army of the republic. On this occasion many of the inhabitants voluntarily manumitted their slaves, upon condition of their serving during the war; and two regiments, called *liberti*, were formed of them; they are officered by whites.

Commissioners were sent by the Assembly into Upper Peru, to examine into and report on the state of those provinces and of the army.

Towards the close of the year 1813 the arms of Buenos Ayres met with serious reverses. The General of their forces in Upper Peru was induced, by false intelligence, to attack the army of Lima, although advantageously posted at Vilcapugio, and was defeated with the loss of all his artillery. Being pursued by the enemy, and eager to repair his losses, he risked a second engagement at Ayuma, under the most unfavorable circumstances, in which he was again defeated, and forced to retire below Salta, with the remnant of his army.

The garrison of Montevideo had received supplies and reinforcements from Spain; and, although they had been defeated in a sortie against the besieging army, it was apprehended that a junction might be effected at Santa Fe of the victorious army of Lima with the disposable force in Montevideo. The royal squadron having the command of the river La Plata rendered this movement very practicable.

The party in power seized this opportunity to strengthen the Government. They represented to the Assembly that an executive of three persons could not exert the energy and despatch called for by the present perilous situation of the State, and proposed to vest the authority in one person.

This proposal was warmly discussed in the Assembly; but the military declaring in favor of the change, a Supreme Director was appointed.

* Pena, Perez, and Alvarez, jointly.

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The Assembly was prorogued during the pleasure of the Director; and a council of seven, called the Permanent Council of the Sovereign Assembly, was chosen to assist him.

The general who had commanded in Peru was superseded, and orders were given to his successor to collect the scattered remains of that army, and to fortify himself in Tucuman, whilst they determined to direct their whole force against Montevideo. Aware of the importance attached by Great Britain to the trade of these colonies, and expecting to derive great advantages from opposing the commercial spirit of that nation to the jealous colonial policy of Spain, they sent an agent* to London; and even willing, at that time, to secure the favorable mediation of the English Court by granting any privileges, they are said to have instructed their agent to declare that Buenos Ayres would rather be governed by a foreign prince than submit unconditionally to Spain.

The same policy induced them to yield to the solicitations of the English Minister at Rio de Janeiro, who was desirous of adjusting the differences between Buenos Ayres and Montevideo, and had expressed a wish that the former should acknowledge the regency of Spain, accept the constitution, and send deputies to the Cortes. Commissioners were sent with proposals to Montevideo; but the viceroy, who now contemplated the approaching fall of Buenos Ayres, and considered this measure as a proof of their weakness, refused to receive or treat with them. This result had been foreseen by the Government, and great exertions had been made to fit out a squadron, which might give them the command of the river; some stout merchant vessels had been purchased, which were armed from the batteries of Buenos Ayres and Ensenada, and manned by foreigners; and this fleet, immediately on the return of the commissioners, appeared off Montevideo. This measure did not excite much alarm in that place; it was supposed that armed merchantmen would prove an easy conquest to national ships, and a squadron was immediately despatched to attack and destroy them.

The event did not justify this opinion of their superiority. To their astonishment, and dismay of the garrison of Montevideo, who witnessed the action, the national squadron was entirely defeated; two only escaped into port, and the remainder fell into the hands of the patriots. The viceroy, finding himself pressed by superior forces, both by land and water, now condescended to solicit a peace, which he had but a few days before rejected with contempt; but the Government of Buenos Ayres retaliated his conduct towards them, and refused to receive his commissioners, or to open his despatches. He was soon after reduced to the necessity of treating with the general† of the besieging army.

It was agreed that the Government of Buenos Ayres should acknowledge the regency, and send deputies to Spain. The town of Montevideo was to be given up; the garrison to be sent to

Spain; two thousand men to march out with their arms, field-pieces, and ammunition, and to be encamped until the conditions were carried into execution.

Whilst this treaty was pending, disputes arose between the troops of the garrison and the armed citizens, who were violently opposed to the capitulation.

The viceroy, finding it impossible to suppress these commotions, which threatened the destruction of all parties, ordered the gates to be thrown open, and admitted the army of Buenos Ayres. The two thousand men were permitted to march out with the honors of war; and it was at first supposed that the articles of the capitulation would be adhered to. They were soon undeceived. The general of the besieging army published a proclamation, in which he declared that, having entered the town before the capitulation had been signed by either party, exposed to a *ruse de guerre*, and to the risk of being attacked, he considered Montevideo to have been surrendered at discretion to the arms of Buenos Ayres. The viceroy was furnished with a vessel to carry him to Spain; but the garrison, consisting of six thousand men, were sent prisoners of war to Buenos Ayres. The persons and property of the inhabitants were respected.

To the honor of Buenos Ayres, they have used their victories with moderation, notwithstanding the irritation which existed between the royalists and the patriots, and that the former have frequently disgraced themselves by massacres in cold blood, and by the barbarous treatment of their prisoners. The troops of Buenos Ayres have never sullied their arms by these sanguinary measures, not even in retaliation.

Montevideo had been defended with the utmost obstinacy for nearly four years, and not less than seven thousand persons perished during the siege, principally by famine and disease. The victors acquired seven thousand stands of arms, five hundred pieces of artillery, and a profusion of warlike stores. An amicable arrangement was made with the inhabitants of the eastern shore, and the troops were withdrawn in order to reinforce the army of Peru. It had been determined to destroy the fortifications of Montevideo, which are formidable, from the place being situated on a very narrow peninsula. It may be considered the key of the river La Plata, and, consequently, of the whole Viceroyalty; and once in the possession of an enemy, particularly of a maritime Power, they could not expect to wrest it from them, nor could they defend it long against a regular force.

Moreover, in the present unsettled state of the country, it would prove a powerful engine of faction, and the military Governor of Montevideo might dictate to the Government of Buenos Ayres, or involve the country in a civil war. The artillery and stores were to have been moved to Tucuman, to which point the armies might retreat in the event of a formidable and irresistible invasion obliging them to abandon the coast.

The Llanero army, which had advanced as

* Don Manuel Sarraatea. † Don Carlos Alvear.

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far as Salta, on receiving intelligence of the fall of Montevideo, retired precipitately upon Potosi. The commanders of that army, led on by the hope of forming a junction with the troops of Montevideo, and of investing Buenos Ayres, in two instances abandoned the strong positions of Oruro and Potosi, which secured to them the possession of Peru, and advanced towards the plains of Tucuman. The first had weakened his army by leaving garrisons in the towns, and particularly in Orepera de Cochabamba, the capital of the most fertile and populous of the interior provinces.

The present commander, to avoid this fault of his predecessor, to which he attributed his defeat in Tucuman, left his rear and flank unprotected, and exposed to the attacks of the Indians and cavalry of Cochabamba, which harassed his retreat. The revolution of Chili partook, in some degree, of the distinctions which mark the character of that people.

The creoles of that kingdom saw and rejoiced in the success of Buenos Ayres. They wished to follow what they considered a noble example, but were restrained by their natural timidity, when the Captain General, on some slight denunciation, arrested three of the principal inhabitants of Santiago—Ovalle, Roxas, and Vera.

Ovalle and Roxas were sent to Lima; but Vera, a native of Santa Fe, in the Viceroyalty of Buenos Ayres, feigned himself sick, and from the castle of Valparaiso, where he was confined, incited the Chilians to reclaim their countrymen, and to protest against this act of oppression, which he represented as the prelude to a general persecution of the creoles. He excited their fears to such a degree that they gathered courage from despair, and addressed a strong remonstrance to the Captain General, which alarmed him, and induced him to recall those gentlemen, whom he had accused of treasonable practices, and of forming plans to separate the colonies from the mother country.

These acts of weakness on the one part, and of firmness on the other, decided the revolution. Encouraged by their success, the people declared themselves openly; in the hopes of freedom, even family feuds were forgotten; all the creoles of distinction in Santiago united, deposed the captain general, and instituted a Provisional Government, which acknowledged and acted in the name of the authorities of Spain.

They soon, however, assumed a bolder tone, and a Congress was assembled, which governed in the name and behalf of Ferdinand VII.

On the 1st of April, 1811, the day appointed for the election of the members for the capital, an attempt was made by some Europeans to restore the ancient Government; an engagement took place in the principal square, which ended in the total defeat of the royalists. The captain general and the royal audience were implicated in this conspiracy, and, in consequence, were banished the kingdom, and retired to Lima.

In the Congress, party spirit soon mingled with all their debates; the provinces of Concep-

tion complained that they were not fairly represented, and the affairs of the Government were neglected, in the animosities and mutual accusations of the members.

The command of the artillery was in the hands of a European, who was supposed to be a partisan of the Princes Charlotte of Brazil. The creoles dreaded the power and influence of this man, and the three brothers Carrera resolved to make an effort to wrest from him this important command. The eldest, who was a major in the regiment of grenadiers, had distinguished himself on the 1st of April, and was a great favorite with the soldiery.

They chose the hour of the siesta for the attack, and, at the head of sixty grenadiers, surprised the artillery barracks, and seized the commander.

After this action, some reform was made in the representation, and the Congress commenced business by inviting all who were inimical to the present order of things to retire from the kingdom.

They rendered the clergy inimical to the cause of independence, by forbidding them to receive any money from their parishioners for the performance of their clerical duties, assigning a moderate salary to the curates in lieu of fees. They passed an act manumitting the future offspring of slaves, and declared that all slaves brought into Chili after that period should receive their freedom, after a residence of six months. They opened the ports to commerce, and published commercial regulations.

The places of the *alcaldes* (members of the *Cabildo*) were, by the laws of Spain, sold to the highest bidder. They were now made elective. The first Junta, or Executive of Chili, was composed of seven members. The struggle for power between the family of the Carreras and that of the Larrains commenced at that period, after the successful attack on the artillery barracks. The eldest brother was promoted to the colonelcy of the grenadiers, and the youngest to that of the artillery; from the barracks of these officers a remonstrance was addressed to the Congress, which induced that body to depose a Junta of seven, and to appoint an Executive of five. José Miguel Carrera entered into the Government on this occasion.

This Junta did not long endure the control of a legislative body; and the Congress was dissolved on the 2d of December, 1811. Some of the members of the Executive resigned on this occasion, and a new Junta was formed, consisting of three persons, J. M. Carrera, J. Portales, and J. N. Cerda. The members from the southern provinces protested loudly against this flagrant breach of the privileges of the people; and, upon their arrival in Concepcion, excited their constituents to oppose the Executive of Santiago, and to take up arms in defence of their rights.

Forces were collected on both sides, and were marched to the banks of the river Maule, which separates Santiago from Concepcion. Both parties, however, preferred negotiation and intrigue to blows. They retired without coming to ac-

Condition of South America.

tion, and Concepcion, being destitute of resources, was shortly after forced to submit to the capital. Some attempts having been made by the colonel of grenadiers to awe the Executive into his measures, José Miguel Carrera resigned his office in the Junta, and his father was nominated to supply his place. The brothers were soon after reconciled; a constitution was framed, and offered to the people for their acceptance, and, having been signed by the military, the Cabildo, and all the respectable inhabitants, was adopted by the Government. The father resigned, and J. M. Carrera was reinstated in the Junta. A Senate was elected, according to a provision of the constitution, and assembled in November, 1812. The first Junta established in Chili had been acknowledged by the regency; and the supply of grain was so necessary to the Viceroyalty of Lima, that the intercourse between these countries had not been interrupted by the late changes of Government. But the dissensions which existed between the provinces of Santiago and Concepcion enabled the viceroyalty to carry into execution a plan for the conquest of the latter.

The garrisons of Valdivia and of San Carlos de Chiloe were landed in the bay of San Vicente, and thence marched to Talcahuana. That post was delivered up to them by some European officers in the service of Chili, and the town of Concepcion was afterwards taken without opposition. The royal forces were joined by several regiments of militia cavalry, and they soon occupied the whole of the province.

The greatest exertions were made in Santiago to repel this invasion; the three brothers Carrera put themselves at the head of the forces, and the armies met on the banks of the Maule.

A body of five hundred men crossed the broad and rapid river Maule in the night, and surprised the camp of the royalists at Yervas Buenas. This action deterred them from crossing the river in front of such an enemy, and being baffled in an attempt to turn the flank of the patriot army, they retired towards Concepcion. The Chilians crossed the river, and overtook the royal forces at San Carlos; an obstinate engagement ensued, in which both parties claimed the victory. The royal army crossed the river Nuble at the dawn of day, and retired to Chillan. J. M. Carrera, leaving his brother at the head of the main body, moved with a detachment towards Concepcion. The garrison of that place retreated to Talcahuana, and that post was immediately attacked and taken by assault. The army then laid siege to Chillan, which the royalists had strongly fortified. After spending a month before this place, the continued rains of the winter obliged the patriots to retire.

The Executive Junta established themselves shortly after at Talca; from thence they issued a decree new modelling the army. They deprived Carrera of the command, and appointed Don Bernardo O'Higgins general-in-chief. The three brothers immediately withdrew from the army; the two youngest were taken prisoners by

the royalists as they were returning to Santiago, and were conducted to Chillan.

The royal forces now marched towards Santiago, crossed the Maule, and occupied Talca. The Chilians followed them by rapid marches, and, crossing the Maule lower down the river, took a position to protect the capital. This state of things called for a more energetic Government; and, on the return of the Executive to Santiago, the Junta was dissolved, and a Supreme Director appointed.

The royal forces continued to advance, when Captain Hillyar, the commander of the British squadron in the Pacific, proffered his mediation. As it appeared that he was authorized by the Viceroy of Lima, his proposals were accepted by both parties.

It was agreed that the royal forces should evacuate the territory of Chili within two months, and that the Government of Chili should acknowledge the regency and Cortes, and send deputies to Spain to learn the decision of the mother country, to which they agreed to submit. This treaty was signed on the 5th May, 1814, and hostages exchanged by the contracting parties. Both parties were dissatisfied with this arrangement. The Carreras, who had been excluded from the general amnesty and mutual liberation of prisoners agreed upon by the treaty, escaped from their confinement at Chillan. The youngest brother, Don Luis, upon his return to Santiago, was seized and imprisoned by the Government; and Don J. M. Carrera, after escaping the same fate, entered the capital at the head of some of his partisans. The troops received him with enthusiasm; the Supreme Director was deposed, and a Junta of three established.

General O'Higgins determined to enforce the execution of the treaty, and marched towards the capital. The armies met on the plains of Maipo, and an action was fought, which terminated in favor of the forces of the Junta. The continuation of this civil war was prevented by the unexpected news of the arrival of reinforcements from Lima, and the refusal of the viceroy to ratify the treaty. This intelligence united the armies of Chili, and they marched against the common enemy. The royalists had advanced to the river Cachapoal, which separates the province of Rancagua from San Fernando.

General O'Higgins fortified himself at Rancagua, but was surprised by the royalists, and his forces totally routed. This decisive action compelled the patriots to evacuate the territory of Chili. They passed the Cordilleras, and took refuge in the province of Mendoza.

In this state of affairs, intelligence of the restoration of Ferdinand VII reached South America. The Government of Buenos Ayres, notwithstanding they had changed the national flag and cockade, and had coined money with the arms of the Republic, had always issued their decrees in the name of Ferdinand VII. It was resolved, therefore, to send a deputy to Spain to proffer their allegiance, on conditions which would secure them in the free exercise and enjoyment of their

Condition of South America.

rights, and hopes were entertained that the present administration would adopt a conciliatory policy towards the colonies, in opposition to the violent measures of the regency. These hopes were disappointed, and their agent returned to Buenos Ayres without effecting his object.

The capture of Montevideo had put into their hands a valuable armament and abundant warlike stores; and the ships, which had contributed so materially to their success, were now employed to harass the commerce of Spain. Some of their cruisers doubled Cape Horn, while others proceeded to intercept the return of Spanish ships off the port of Cadiz.

Don Carlos Alvear, who had commanded the forces of Buenos Ayres at the capitulation of Montevideo, ambitious to conclude the war in Peru, induced the Supreme Director to appoint him general-in-chief of that army, and left Buenos Ayres at the head of a large reinforcement. On the road he was met by the unpleasant intelligence that the officers and troops refused to receive him as their commander, and he returned with his forces to Buenos Ayres. The Supreme Director was glad to resign his title to one who had for some time exercised the chief authority. Alvear was, in consequence, proclaimed Supreme Director in Buenos Ayres; but not being acknowledged in the provinces, or by the army of Peru, the greatest confusion prevailed in the State.

After the conquest of Montevideo, the Government of Buenos Ayres concluded a treaty with Artigas; but, upon their afterwards sending him a commission, he returned it, telling them that he desired his authority from the free election of the people of the eastern shore; that the inhabitants of that province were willing to be the allies, but would never submit to be the vassals of Buenos Ayres.

The troops which were sent to reduce him to subjection not only failed in their object, but were forced to abandon Montevideo. Artigas, after driving the forces of Buenos Ayres from the eastern shore, crossed the Parana, and took possession of Santa Fe. Two thousand men were despatched to recover this important post; but the officers came to an understanding with Artigas, and turned their arms against the Supreme Director. Under these circumstances, and threatened by a revolt of the citizens, Alvear withdrew his forces from Buenos Ayres, and encamped at a short distance from the city. A town meeting was immediately assembled, which deposed both the Supreme Director and the Sovereign Assembly, and vested the authority in the Cabildo. The city was placed in a state of defence, but Alvear, after some threats, resigned his command, and, with his family, took refuge on board a British frigate then stationed in the river.

The Cabildo then appointed a Junta of Observation, published a new constitution, and elected Rondeau, the general of the army of Peru, Su-

preme Director. This officer, who had formerly refused to resign his command to Alvear, preferred remaining at the head of the army, and a Supreme Director *pro tempore* was nominated, until he should think proper to assume his command. Another attempt was made to dispossess Artigas of Santa Fe, but the troops of Buenos Ayres were defeated with great loss. General Pezuela, who had fortified himself in Oruro, having received reinforcements from Lima, attacked the army of Peru on the 22d of November, 1815, at Sipsisipi, and, after an obstinate engagement, the patriots were forced to retire.

The army of Buenos Ayres retreated to Salta, and the royal forces remained in possession of all the upper provinces of Peru. The people were displeased with the administration of the Supreme Director's substitute, and, assembling tumultuously, they forced him to resign the command; another was appointed, who was soon after treated in the same manner, and the Government was then placed in the hands of a Committee of Safety.

The Congress, which had been convoked according to a provision in the last estatuto, assembled in June, 1816, at Tucuman. They nominated Don Juan Martin Pueyrredon Supreme Director, who immediately repaired to Buenos Ayres and assumed the reins of Government. Don Manuel Belgrano, who, since the battle of Velcapugio, had remained in retirement, resumed the command of the army of Peru. The troops received with enthusiasm the General who had so often led them to victory; who had generously distributed to the widows and orphans of those soldiers who had fallen in the battle of Salta the money voted to him by the Government of Buenos Ayres as a reward for that distinguished service; and who had preserved his political integrity amidst the changes of party and the intrigues of faction, and had manifested no other ambition than that of devoting his life and fortune to the great cause in which he was engaged.

An army was assembled at Mendoza to protect that frontier against the royal army which was in possession of Chili, and the command of this force intrusted to San Martin, who had distinguished himself by repulsing, with a small corps of cavalry, a detachment of the royal forces at San Lorenzo, on the Parana.

On the 9th of July, 1816, the Congress published their formal declaration of independence. In December following, the Portuguese troops entered the territory of the eastern shore, which is claimed by that Government. The invading army, after occupying the towns on the frontiers, took possession of Maldonado, and advanced upon Montevideo. This important military post was surrendered to them without opposition.

Artigas, with the desultory forces under his command, opposed in vain the progress of the invaders, but still continued to harass them by every means in his power.

State of the Finances.

STATE OF THE FINANCES.

[Communicated to the Senate, December 8, 1817.]

In obedience to the directions of the act supplementary to "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

Revenue.

The net revenue arising from duties upon imports and tonnage, internal duties, direct tax, public lands, postage, and incidental receipts during the year 1816, amounted to - - - \$49,552,852 02

viz :

| | | | | | | | | |
|--|---|---|---|---|---|---|--------------|----|
| Customs | - | - | - | - | - | - | \$36,303,231 | 77 |
| Internal duties | - | - | - | - | - | - | 5,963,225 | 88 |
| Direct tax | - | - | - | - | - | - | 5,723,152 | 25 |
| Public lands, exclusive of those in the State of Mississippi and the Alabama Territory | - | - | - | - | - | - | 1,287,959 | 28 |
| Postage and incidental receipts | - | - | - | - | - | - | 275,282 | 84 |

And that which accrued from the same sources during the year 1816 amounted to - 36,743,574 07

viz :

| | | | | | | | | |
|---|---|---|---|---|---|---|--------------|----|
| Customs, (see statement A) | - | - | - | - | - | - | \$27,569,769 | 71 |
| Internal duties, (see statement B) | - | - | - | - | - | - | 4,396,133 | 25 |
| Direct tax, (see statement C) | - | - | - | - | - | - | 2,785,343 | 20 |
| Public lands, exclusive of those in the State of Mississippi and the Alabama Territory, (see statement D) | - | - | - | - | - | - | 1,754,487 | 38 |
| Postage and incidental receipts | - | - | - | - | - | - | 237,840 | 53 |

It is ascertained that the gross amount of duties on merchandise and tonnage which has accrued during the first three quarters of the present year exceeds \$17,000,000, and that the revenue arising from internal duties and from the public lands during the same period exceeds that of the corresponding quarters of the year 1816.

The balance in the Treasury on the 1st day of January, 1817, exclusive of \$10,665,287 89 in Treasury notes of every description, amounted to - - - \$11,295,592 86

The payments into the Treasury during the first three quarters of the year are estimated to amount to - - - \$27,095,984 14

viz :

| | | | | | | | |
|--|---|---|---|---|---|--------------|----|
| Customs | - | - | - | - | - | \$21,732,068 | 22 |
| Internal revenue and direct tax | - | - | - | - | - | 3,480,173 | 43 |
| Public lands, exclusive of those in the State of Mississippi and the Alabama Territory | - | - | - | - | - | 1,326,077 | 44 |
| Postage and incidental receipts | - | - | - | - | - | 26,913 | 92 |
| Repayments into the Treasury | - | - | - | - | - | 530,751 | 13 |

And the payments into the Treasury, during the fourth quarter, from the same sources, are estimated at - 5,980,000 00

Making the total sum estimated to be received into the Treasury during the year 1817 amount to - - - 33,075,984 14

Which, added to the sum in the Treasury on the 1st day of January last, makes the aggregate amount of - 44,371,577 00

The application of this sum for the year 1817 is estimated as follows, viz :
To the 30th September the payments have amounted to - - - \$32,710,002 88

viz :

| | | | | | | | |
|---|---|---|---|---|---|-------------|----|
| Civil, diplomatic, and miscellaneous expenses, exclusive of \$375,000 paid to the State of Georgia from the proceeds of the Mississippi lands | - | - | - | - | - | \$2,798,248 | 75 |
| Military service, including arrearages | - | - | - | - | - | 7,105,816 | 90 |
| Naval service | - | - | - | - | - | 2,044,474 | 25 |
| Public debt, exclusive of \$3,592,927 60 of Treasury notes, which have been cancelled in due course of settlement | - | - | - | - | - | 20,761,462 | 98 |

During the fourth quarter it is estimated that the payments will amount to - 5,660,000 00

viz :

| | | | | | | | |
|--|---|---|---|---|---|-----------|----|
| Civil, diplomatic and miscellaneous expenses | - | - | - | - | - | 600,000 | 00 |
| Military service | - | - | - | - | - | 1,110,000 | 00 |
| Naval service | - | - | - | - | - | 1,300,000 | 00 |
| Public debt to 1st January, 1818 | - | - | - | - | - | 2,650,000 | 00 |

Making the aggregate amount of - - - 38,370,002 88

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And leaving on that day, exclusive of \$8,682,697 70 in Treasury notes, which are in a train of settlement in order to be cancelled, a balance in the Treasury of - - - \$6,001,574 12

Of the public debt.

The funded debt, contracted before the year 1812, which was unredeemed on the 1st day of October, 1816, as appears by statement 1, amounted to - - - \$37,494,267 01

By the same statement it appears that the funded debt contracted subsequent to the 1st day of January, 1812, amounted to - - - 71,201,551 28

Making, together, the sum of - - - 108,695,818 29

To which must be added the temporary loan from the Cumberland Bank, of - - - 50,000 00

Making the aggregate amount of - - - \$108,745,818 29

On the 1st day of January, 1817, there was added to the above amount, including \$7,000,000 of 5 per cent. stock subscribed to the bank, and including also a temporary loan from the bank of \$500,000, the sum of - - - 7,877,471 61

From which deduct the amount of the old 6 per cent. deferred stock, reimbursed between the 1st day of October and the 1st day of January, 1817, inclusive, amounting to - - - 815,484 42

Leaving the sum of - - - 7,061,987 19

Making the public debt, which was unredeemed on the 1st day of January, 1817, amount to - - - 115,807,805 48

From the 1st day of January to the 30th day of September, 1817, inclusive, there was, by funding Treasury notes, added to the public debt, the amount of - - - 1,097,315 43

Making, on that day, the aggregate amount of - - - 116,905,120 91

During the same period there was purchased and redeemed of the public debt, including \$550,000 of temporary loans, the sum of - - - 16,993,275 50

Which, deducted from the amount of the public debt last stated, leaves unredeemed on the 1st day of October, 1817, the amount of - - - 99,911,848 41

Since the 30th September there has been purchased or redeemed of the principal of the public debt, the amount of - - - \$333,235 16

And there will be reimbursed of the principal of the old 6 per cent. deferred stock to the 1st of January, 1818, inclusive, the amount of - - - 709,513 70

Making, together - - - 1,042,748 86

Which being deducted from the aggregate amount of the public debt on the 1st October, there will remain unredeemed on the 1st January, 1818, the sum of - - - 98,869,096 55

By the same statement it appears that the principal of the public debt, purchased and redeemed during the year 1817, including \$55,000 of temporary loans, amounts to - - - \$18,036,023 72

In this sum is included all the funded debt held by the Bank of the United States.

The old six per cent. stock will be redeemed in the course of the year 1818. The first instalment of the Louisiana debt falls due on the 21st day of October of that year. According to the terms of the convention, this debt is to be discharged by annual instalments of not less than three millions each. It is, therefore, presumed that, consistently with the letter of the convention, the whole debt cannot be discharged in one payment. But for this obstacle, in the present state of the Treasury, and under the existing provisions of the Sinking Fund, the whole amount of the stock might be redeemed on the 21st day of October next. It is believed that neither the letter nor spirit of the convention forbids the redemption of that stock in two annual instalments, by which the whole debt will be redeemed on the 21st day of October, 1819.

After the redemption of the Louisiana stock, there is no part of the principal of the public debt redeemable at the will of the Government until the 1st day of January, 1825, except the five per cent. stock subscribed to the Bank of the United States. As the Commissioners of the Sinking Fund are not authorized to redeem the five per cent. stock, the permanent annual appropriation of \$10,000,000 from the year 1819 to 1825, under the existing laws, can only be applied to the payment of the interest of the public debt, and to the gradual reimbursement of the principal of the six per cent. deferred stock, and will leave during that period an annual surplus of nearly \$5,000,000.

During the year 1825 the exchanged six per cent. stock, the six per cent. stock of 1812, and the stock created by funding Treasury notes, amounting, together, to \$18,895,456 23, will be redeemable. To the redemption of the whole of this stock within that year, the Sinking Fund, by the aid of its surpluses, will not only be entirely adequate, but will be amply sufficient to redeem the remainder of the public debt at the several periods at which the different stocks of which it is composed be-

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come redeemable. The whole debt, including the five per cent. stock, will be extinguished during the year 1830, except the three per cent stock, which is not redeemable at the will of the Government.

It is not presumed that taxes will be imposed and collected for the express purpose of purchasing the funded debt above its nominal value. It is, however, believed to be unsafe to reduce the revenue below the permanent annual expenditure, as now authorized by law, including the appropriation constituting the Sinking Fund. A reduction below that amount would postpone the redemption of the public debt beyond the periods when the several loans of which it is composed become redeemable, or impose upon the Legislature the duty of resorting to them anew for that object.

If, then, the revenue shall, until the year 1825, be equal to the present annual expenditure, it is respectfully suggested whether the public interest will not be promoted by authorizing the Commissioners of the Sinking Fund to purchase the funded debt at such rates above par as in their judgment will be for the interest of the nation, rather than to suffer the annual surplus of the Sinking Fund to remain in the Treasury unapplied for five successive years. Should such an authority be given to the Commissioners of the Sinking Fund, it is probable that the different species of stock would advance in price above their present current value; but as the authority would be permissive, not imposing the obligation to purchase, it is probable that the surplus of the Sinking Fund might be more beneficially employed in purchasing the public debt than by remaining idle in the Treasury until the year 1825. If that surplus could be annually invested early in each year, at the present prices of the different species of stock, it would produce a saving to the nation of not less than \$4,000,000, between the first days of January, 1820 and 1825. The interest which will accrue on the five per cent. stock between the first days of January, 1820 and 1830, when it is estimated the whole redeemable debt will be discharged, will amount to \$3,500,000. If, therefore, it is intended to redeem that stock, the surplus in the Sinking Fund may be legitimately applied to that object during the years 1820 and 1821.

| | | | | | | |
|--|---|---|---|---|-----------------|-----------------|
| By statement 8, it appears that the Treasury notes which have issued under the several acts of Congress on that subject, have amounted to | - | - | - | - | - | \$36,133,794 00 |
| Of which there has been cancelled at the Treasury | - | - | - | - | \$26,874,431 00 | |
| There is now in the Treasury, which will be cancelled when settled, exclusive of \$422,519 77, the estimated interest upon them, the amount of | - | - | - | - | 8,623,400 00 | |
| Making, together the sum of | - | - | - | - | - | 35,497,831 00 |
| Leaving outstanding an estimated balance of | - | - | - | - | - | \$635,963 00 |

As the outstanding Treasury notes are convertible into funded debt, which is considerably above par, it is presumed that such portions of them as are not lost or destroyed will be funded instead of being paid into the Treasury in discharge of duties and taxes. It is therefore probable that an addition to the public debt will be made during the year 1818, nearly equal to the Treasury notes estimated to be outstanding.

Statement E presents the state of the land offices in the State of Mississippi and in the Alabama Territory, from which it appears that the receipts into the Treasury have amounted to \$1,124,100 81, of which \$431,120 were in Mississippi stock.

From the proceeds of the sales of these lands there has been paid to the State of Georgia the sum of \$688,441 33, and there has been transferred to the State, by the Commissioners of the United States under the act compromising the Yazoo claims, that part of the original purchase money remaining in the State Treasury, amounting to \$184,515 94, making, together, the sum of \$872,957 27, and leaving still due to the State the sum of \$377,042 73, which is now ready to be paid under the provisions of the act of the 3d of March last.

| | | | | | | |
|---|---|---|---|---|---|----------------|
| By statement 7, it appears that the Mississippi stock awarded by the Commissioners amounts to | . | . | . | . | . | \$4,278,434 00 |
| From which deduct the amount received into the Treasury | . | . | . | . | . | 431,120 00 |
| Leaves outstanding the sum of | . | . | . | . | . | \$3,747,314 00 |

Which it is estimated will be received into the Treasury, during the two succeeding years, in payment of the public lands in the State of Mississippi and in the Alabama Territory, or will be discharged by payments from the Treasury out of the proceeds of the sales of those lands.

Of the estimates of the public revenue and expenditures for the year 1818.

The importation of foreign merchandise during the years 1815 and 1816, so greatly exceeded what was presumed to be equal to the annual average consumption, that a general impression was produced that the importations during the present year would fall greatly below that demand. Under this impression, the revenue accruing from that source for the year 1817 was, in the annual report of the Treasury of 16th of December, 1816, estimated at \$12,000,000. But it is ascertained that the gross revenue arising from that source during the first three quarters of the year has exceeded \$17,000,000, and it is estimated that that of the whole year will exceed \$22,000,000.

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It is presumed that the importations from the East Indies during the present year greatly exceed those which will take place during several consecutive years; and that the reaction produced by the excessive importations of 1815 and 1816 has, in some degree, been diminished by that circumstance. There is, however, just ground to believe that the revenue derived from this source will not, for any given series of years, fall below that of the present year. Considering that this revenue during the year 1807 (the last year that our commerce was not greatly embarrassed by belligerent aggression) exceeded \$16,000,000; that the duties then imposed are considerably augmented by the present tariff; and that our population has increased more than thirty per cent., carrying with it in the same degree an increase of the means of procuring foreign articles, with an undiminished relish for their consumption; it is presumed that the revenue from that source, during the present year, will be found to be less than that of any number of consecutive years.

According to these views, the permanent annual revenue may be estimated to amount to - \$24,525,000 00

VIZ:

| | | | | | | | |
|--|---|---|---|---|---|---|-----------------|
| Customs | - | - | - | - | - | - | \$20,000,000 00 |
| Internal duties | - | - | - | - | - | - | 2,500,000 00 |
| Public lands, exclusive of the Mississippi and Alabama lands | - | - | - | - | - | - | 1,500,000 00 |
| Bank dividends at seven per cent. | - | - | - | - | - | - | 490,000 00 |
| Postage and incidental receipts | - | - | - | - | - | - | 35,000 00 |

And the payments into the Treasury during the year 1818 may be estimated at the same amount.

To which add the balance estimated to be in the Treasury on the 1st day of January, 1818 6,000,000 00

Making, together, the sum of - - - - - \$30,525,000 00

The probable authorized demands upon the Treasury, during the year 1818, are estimated to amount to - - - - - \$21,946,351 74

VIZ:

| | | | | |
|---|---|---|---|---------------|
| Civil, miscellaneous, diplomatic, and foreign intercourse | - | - | - | 2,069,843 29 |
| Military services, including an arrearage of \$500,000 | - | - | - | 6,266,132 25 |
| Naval service, including \$1,000,000 for the gradual increase of the navy | - | - | - | 3,611,376 20 |
| Public debt | - | - | - | 10,000,000 00 |

Which, being deducted from the amount estimated to be received into the Treasury, including the balance on the 1st of January, 1818, leaves on the 1st of January, 1819, a balance in the Treasury of \$8,578,648 26, which, however, will be applied to the redemption of the Louisiana stock, under the provisions of the act for the redemption of the public debt, passed on the 3d day of March, 1817, as far as those provisions will admit.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, December 5, 1817.

REVISION OF THE REVENUE LAWS.

[Communicated to the House, January 20, 1818.]

In obedience to the resolution of the House of Representatives of the 28th of February, 1817, directing the Secretary of the Treasury to report to Congress, at their next session, "such measures as may be necessary for the more effectual execution of the laws for the collection of the duties on imported goods, wares, and merchandise," I have the honor to report:

That, shortly after the close of the last session of Congress, measures were adopted, as well for the detection of the frauds which might be committed upon the revenue, as for ascertaining the defects of the collection laws.

The collectors of the customs, under an express injunction to inform the department of every attempt to evade the provisions of the existing laws which should be discovered, accompanied by suggestions of the remedy best calcu-

lated to repress the evil, made no communication whatever upon the subject. Considering that this experiment was made without previous notice to those concerned in importations, and for more than six months of the most active commerce in our ports, the tacit evidence of the collectors that frauds are not committed to any considerable extent, and that the provisions of the collection laws are not materially defective, appears to be well calculated to command respect.

Notwithstanding the result of this experiment, there is just reason to believe that frauds to a considerable extent have been, and now are, committed upon the revenue, in the importation of articles upon consignment, paying ad valorem duties.

The practice of shipping merchandise from Europe to the United States on account of the foreign shipper has greatly increased since the late peace. The immediate cause of this increase may be probably found in the general distress which at and since that epoch pervaded univer-

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sally the manufacturing establishments, from whence our supply of foreign merchandise has been principally derived. The manufacturers, unable to dispose of the products of their labor in their accustomed markets, assumed the character of exporting merchants, and shipped their merchandise directly to the United States, where it has been sold by their agents or consignees. In adopting this course, not only the fair profit of the manufacturer and exporting merchant is concentrated in the hands of the latter, but also the loss which the revenue sustains, by invoicing the merchandise at the actual cost of the raw material, and the price of the labor employed in its manufacture. Should any part of this profit not be realized, from the circumstance of the merchandise being sold in a glutted market, or, from any other cause, the articles reach the hands of the consumer at a rate lower than it could be sold by the fair American importer; in either event, the honest American merchant is driven from the competition; and, in the latter, the domestic manufacturer is deprived of the protection which was intended to be secured by the Legislature. But, independent of this evasion of the revenue laws, which, by those who practise it, may be deemed consistent with the principles of morality, a practice of a less equivocal character is known to exist in importations made by foreign merchants upon consignment. There is abundant reason to believe that it is now customary, in importations of this nature, to send with the merchandise an invoice considerably below the actual cost, by which the entry is made and the duties secured. Another invoice at or above the actual cost is forwarded to a different person, with instructions to take and sell the goods by such invoice.

In this manner the person who enters the goods remains ignorant of the fraud to which he has been innocently made a party, and the fraudulent importer escapes with impunity. The facility with which frauds may be practised, by permitting entries to be made by persons who know nothing of the correctness of the invoices by which the duties are to be ascertained, so strongly invites to the substitution of false for true invoices, that the practice must necessarily become universal, if suitable checks are not devised against it. It is also ascertained that resident merchants have in some instances connected themselves with foreign mercantile houses, which are in the habit of purchasing cloths of every description in their rudest state of manufacture, which are in their hands brought to the highest state of perfection by dyeing, dressing, or bleaching, according to the kind of cloth purchased. Such articles are invoiced at the price given for them in their unfinished state of manufacture, and upon those invoices the duties are estimated. Connexions of this kind will necessarily increase, and eventually embrace the whole catalogue of articles paying ad valorem duties, unless checks calculated to repress the evil are promptly devised and applied.

The practice of entering goods without invoice

is another mode now frequently resorted to, for the purpose of evading the payment of the duties which are legally demandable upon them. In these cases, (and indeed in all cases where the collector shall suspect that the invoices are fraudulent,) the resort to appraisement authorized by law is generally found to be in favor of the importer, and against the Government. This may in some measure be attributable to the defect of the existing provisions upon that subject; but the universal experience of every department of the Government proves the danger there is of submitting any question to the decision of persons acting as arbitrators between the United States and individuals. In most cases of this kind the appraisers are influenced by a morbid sensibility which almost invariably impels them to sacrifice the interest of the nation to that of the individual. Independent, however, of this indefensible principle of action, there must necessarily exist, in most cases of appraisement under the collection laws, some individual bias in favor of the importer. The decision is to be made by merchants, and, if made in favor of the Government, the reputation of the party in interest must be seriously affected. The persons called upon to decide may themselves be placed the next day in a situation to have their reputation assailed by the same means. The great body of the merchants may, in the question under consideration, be viewed as a distinct community, bound together by ties generally inscrutable to the collector, performing successively for each other acts by which their pecuniary interests oftentimes acquire a unity, totally incompatible with the disinterested discharge of the duties of an appraiser. Should however the appraisement in despite of all these obstacles correspond with the impressions of the collector, and seizure of the merchandise be made, the party is allowed to prove the actual cost of the articles, and time is generally allowed by our courts for the examination of witnesses beyond the seas. The result of an investigation under such circumstances can hardly be considered doubtful. In making these observations, no imputation upon the character of the American merchants is intended. As a body of men, they are highly respectable for their intelligence, integrity, and respect to the laws. So far as they are directly concerned in importations, I believe, with the collectors of the customs, that the revenue has been generally fairly paid. But it is impossible that the high character which they have hitherto maintained should be preserved against the ruinous competition in which they have since the peace been engaged, unless the frauds practised by the foreign importer shall be effectually restrained. Indeed, there is some reason to believe that some among them have already resorted to practices not less effectual for evading the payment of duties justly demandable of them, than those which have been with so much success employed by foreign importers. It has frequently happened that a vessel bound to a particular port is freighted by merchants residing in the principal commercial cities. In such

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cases the goods have generally been entered by an agent or consignee residing in the port where the vessel arrives, and the goods so entered are reshipped in their original packages to the ports where the owners severally reside, or to other ports of the United States. The entries are consequently made upon such invoices as are forwarded to the agent or consignee, of the correctness of which he is wholly ignorant. The goods thus reshipped in the original packages having undergone no examination, are not subjected at the port to which they are reshipped to that kind of examination which they would have undergone had they arrived directly from a foreign port. The importer therefore not only avoids the necessity of swearing to the correctness of the invoices, but also eludes the vigilance of the custom-house, as his merchandise, at the port where it is opened and sold, has acquired the character of articles upon which the duties have been paid or secured. Cases of this kind have so greatly increased since the war, that it is difficult to avoid ascribing the increase in some degree to motives incompatible with the high character for integrity and respect for the laws which the American merchants, as a body of men, have so justly acquired.

There is some reason to believe that evasions are sometimes practised under color of discounts allowed on the prices charged in the invoices. Under the Treasury regulations no conditional discounts are allowed, but it is extremely difficult to ascertain whether they are absolute or conditional.

In order to provide an adequate remedy against the frauds and evasions which already exist, and to prevent their further increase, it is respectfully submitted that provisions to the following effect be adopted:

1. No goods to be admitted to entry where the invoices are not produced, except goods taken from wrecks, and under other circumstances which preclude the possibility of producing them.

2. In every entry of goods subject to duty, the party making the entry to state upon oath whether he is the owner, and, if not, to state the name and residence of such owner.

3. Every oath of entry, in addition to what is now required, shall state that the invoices produced exhibit the true current value of the article in the state of manufacture in which the goods then are.

4. If the goods do not belong to the person who enters them, bonds shall be given, as in case of an agent, that the owner shall in due form of law verify the invoices by which the entry is made, or produce other invoices verified in like manner.

5. That where goods are reshipped coastwise, in the original packages, invoices certified under the hand and official seal of the collector must be produced at the port to which they are shipped, and the same inspection shall take place as if the vessel should arrive direct from a foreign port; on failing to produce such invoice, the vessel and goods to be forfeited.

6. That after the — day of — next, no en-

try of merchandise paying ad valorem duties shall be made upon any invoices, where the owner resides out of the United States, which shall not be verified by the owner in the manner required by the foregoing provisions, before the American Consul at the port of shipment, or of some other port. And such owner shall further state whether he is the manufacturer of the goods described in such invoices; in which case, he shall further swear that the prices charged are the current value of the articles, and such as he would have demanded had they been sold in the usual course of trade.

7. That, for the appraisement of goods in all cases required by these provisions, there shall in each of the principal ports be appointed two persons well qualified to perform that duty, who, together with a respectable merchant, to be chosen by the party in interest, shall, upon oath, make such appraisement. In every case the merchant selected by the party in interest shall, upon oath, declare that he has no direct or indirect interest in the case. In the smaller ports, an inspector of the revenue best qualified for that purpose, and a disinterested merchant selected by the collector, and another by the party in interest, shall be the appraisers.

8. Merchants selected by the parties in interest and by the collectors shall be compelled to serve, by the enactment of suitable penalties. The compensation to be allowed them to be equal to the rate received by the appraisers.

9. In all cases where there shall be just grounds to suspect that goods paying ad valorem duties have been invoiced below their actual cost, the collector shall order them to be appraised in the manner already described; if the appraisement shall exceed by — per cent. the invoice prices, then, in addition to the per cent. laid upon correct and regular invoices by the existing laws, there shall be added — per cent. upon the appraised value; upon which aggregate amount the duties shall be estimated.

10. One-half the duties accruing upon such additional per cent. shall be distributed, according to law, between the custom-house officers of the port.

11. The same proceeding shall be had in all cases coming within the sixth provision proposed, where the invoices are not verified before an American Consul. The same additional per cent. shall be laid upon the appraised value as in case of fraudulent invoices.

12. But no such addition shall be made in any case where the goods are shipped from a country or State in which no American Consul resides.

13. Nor shall such appraisement be necessary where the foreign owner is present and enters the goods.

14. The same appraisement shall be made previous to the entry of goods taken from wrecks, and also where a reduction of duty is claimed on account of the goods being damaged in the course of the voyage.

15. The expenses of appraisement shall be borne by the owners of the goods in all cases,

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except where the appraisement ordered in the allegation of fraudulent invoices shall not subject the owner to the additional per cent. directed by the foregoing provisions, and in cases of goods taken from wrecks.

16. The appraisers in the principal ports shall receive, as a compensation for their services, — dollars per annum. The inspectors in the other ports, who shall perform the duties of appraisers, shall receive the full allowance of inspectors, whether they are actually employed throughout the year or not.

17. In every case of entry upon invoices, the collector of the port where the entry is made shall certify the invoices under his official seal. In all contestations concerning the said goods, no other evidence of the value thereof shall be admitted in any court of the United States on the part of the owner of such goods.

18. Counterfeiting any certificate required by these provisions to be felony.

19. That, for every verification of invoices before an American Consul, there shall be paid, by the party making the oath, the sum of — dollars for the use of such Consul.

20. That no discount be allowed, except where the oath of entry, or that taken before the American Consul, shall expressly state that it has been actually allowed to the purchaser in the payment made by him for such goods.

21. That the collectors of the different ports be authorized, at their discretion, or upon instructions from the Treasury Department, to subject to the most rigid inspection a certain proportion of the packages imported into their respective ports; and if they are not agreeable to invoice, or falsely charged, a full inspection of the whole shall be made. Where any package shall contain articles not described in the invoice, the whole package to be forfeited.

22. Every bond taken for duties shall be executed by at least one American merchant, or by a foreign merchant who has resided at least — years in the United States, and has held by lease during that time a tenement of the yearly rent of at least — dollars.

23. The bondsmen to be liable for any pecuniary penalty incurred by frauds on the revenue. Such liability to cease upon the delivery of the goods subject to forfeiture.

24. The execution of a bond for the payment of duties by one partner to bind the firm.

The adoption of the foregoing provisions will, as far as it is practicable, prevent the entry of foreign goods without an appeal, under the sanction of an oath, to the conscience of the party who is in possession of all the circumstances connected with the purchase of them in foreign countries. Where this oath is not obtained, the provisions are intended to guard against decisions injurious to the Government from indirect interest, or from the more general inclination which seems to exist in the community to favor the interest of individuals at the expense of the nation.

Whatever may be the reliance which ought to

be placed in the efficacy of the foregoing provisions, it is certainly prudent to diminish, as far as practicable, the list of articles paying ad valorem duties.

The best examination which circumstances have permitted has resulted in the conviction that the following list of articles now paying ad valorem duties may be subjected to specific duties viz:

Anvils, 2 cents per pound each.

Axes, broad, 30 cents per pound each; narrow, 25 cents per pound each; hatchets, 15 cents per pound each; adzes, 25 cents per pound each.

Augers, not exceeding half an inch, 1½ cents per pound each; above that size, and not exceeding one inch, 2 cents per pound; above an inch, and not exceeding 1½ inch, 2½ cents per pound; above that size, 3 cents per pound each.

Chisels, not exceeding half an inch, 1 cent per pound each; above that size, and not exceeding one inch, 1½ cents per pound each; above an inch and not exceeding 1½ inch, 2 cents per pound each; above that size, 2½ cents per pound each.

Hammers, blacksmiths', 2½ cents per pound each; claw hammers, (carpenters'), 5 cents per pound each.

Hoes, broad, 12 cents per pound each; narrow, 12 cents per pound each.

Knives, curriers', 40 cents per pound each; cutting, 25 cents per pound each; drawing, 25 cents per pound each.

Scythes, 25 cents per pound each.

Reaping hooks or sickles 5 cents per pound each.

Rakes, 10 cents per pound each.

Saws, cross cut, 100 cents per pound each; whip-saw, 100 cents per pound each; hand-saw, 25 cents per pound each; tenon-saw, 20 cents per pound each.

Spades, 15 cents per pound each.

Andirons, cast iron, 1 cent per pound each; wrought iron, 50 cents per pair; brass, or of brass and any other metal, 200 cents per pair.

Fenders, iron, 100 cents each; of brass, or steel, or parts of either, 200 cents each.

Shovels and tongs, iron, 30 cents per pair; steel, or brass, or parts of either, 75 cents per pair.

Muskets, 150 cents per stand.

Rifles, 250 cents each.

Fowling and hunting pieces, single barrel, 400 cents each; double barrel, 500 cents each.

Cannon, cast iron, 2 cents per pound; brass, 5 cents per pound.

Frying pans, 25 cents each.

Gridirons and griddles, 20 cents each.

Vessels, cast iron, not otherwise specified, 2½ cents per pound; of copper, 10 cents per pound; of pewter, including dishes, plates, basins, tankards, spoons, and other utensils not specified, 3 cents per pound.

Tin in sheets or plates, 4 cents per pound.

Bandana, flag, and other silk kerchiefs, from India, not exceeding 36 inches square, 15 cents each; above that size, 20 cents each.

Cards, for carding, 20 cents each.

Cotton bagging, 6 cents.

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Drugs, aloes, 2 cents per pound; ammoniacum, (gum,) 4 cents per pound; arabic, (gum,) 2 cents per pound; assafoetida, (gum,) 5 cents per pound; senegal, (gum,) 1 cent per pound; guaiacum, (gum,) 2 cents per pound; cream of tartar, one cent per pound; jalap, 3 cents per pound; ipecacuanha, 10 cents per pound.

Gloves or mits, long silk, \$1 per dozen; short, 60 cents per dozen; children's, 40 cents per dozen; long cotton, 70 cents per dozen; short, 50 cents per dozen; children's, 30 cents per dozen.

Hats, woollen or felt, men or women's, 20 cents each; children's, 12 cents each; beaver, men or women's, \$1 each; children's, 50 cents each.

Hams, and other bacon, 3 cents per pound.

Honey, 6 cents per gallon.

Hair powder, 6 cents per pound.

Horns, ox, 75 cents per 100.

Horn tips, 50 cents per 100.

Horse hair, 2 cents per pound.

Leather, sole, 8 cents per pound; dressed, 10 cents per pound.

Lard, 2 cents per pound.

Lemons, 25 cents per 100.

Limes, 10 cents per 100.

Liquorice, 2 cents per pound.

Mahogany, 1 cent per c. foot.

Madder, 1 cent per pound.

Mustard, (except seed,) 10 cents per pound.

Nankeens, India, short pieces, not exceeding 7 yards, and 18 inches in breadth, 25 cents per piece; India, long, not exceeding 10 yards and 25 inches in breadth, 40 cents per piece; pieces exceeding these dimensions, the duty to be in proportion to the foregoing rates.

Oil, olive, in bottles, 40 cents per gallon; castor, 20 cents per gallon; linseed, 20 cents per gallon.

Olives, 50 cents per gallon.

Capers, 50 cents per gallon.

Oranges, 50 cents per 100.

Opium, 25 cents per pound.

Pickles, 10 cents per gross.

Pine apples, 2 cents each.

Pipes, smoking, 10 cents per gross.

Prussian blue, 10 cents per pound.

Preserves, comfits, and sweetmeats, in sugar or brandy, 10 cents per pound.

Quicksilver, 5 cents per pound.

Rice, 50 cents per 100 lbs.

Rhubarb, 4 cents per pound.

Saltpetre, refined, 2 cents per pound; crude, 1 cent per pound.

Slates, 1 cent each.

Saddletrees, 25 cents each.

Snake root, 2 cents per pound.

Saffron, 2 cents per pound.

Senna, 2 cents per pound.

Sarsaparilla, 2 cents per pound.

Stockings, silk, or where silk is the principal material, whole, 240 cents per dozen; half, do. do., 150 cents per dozen; quarter, do. do., 75 cents per dozen; cotton, wool, or flax, whole, 150 cents per dozen; half, 80 cents per dozen; cotton, wool, or flax, quarter, 35 cents per dozen; children's, the duty upon the quarter respectively.

Vitriol, 4 cents per pound.

Umbrellas or parasols, covered with silk, 100 cents each; cotton, 60 cents each; sticks and frames, 30 cents each.

Wool blankets, 20 cents per yard; carpets, inferior to Brussels, 25 cents per yard; Brussels, and others, superior, 35 cents per yard; flannels, or cotton mixtures, 12 cents per yard.

At present Bohea tea pays a duty of twelve cents a pound, while all other black teas pay twenty-five cents. The great difference in the duty paid by these kinds of tea, and the difficulty in distinguishing between them, have, it is believed, led to the commission of frauds upon the revenue, by importing, under the name of Bohea, every species of black tea. As the whole of these teas, in common with Bohea, have grown into general use among the poorer classes of the community, the propriety of considering them all to be of the same class, for the purpose of duties, and of laying upon them eighteen cents a pound, instead of the duties now imposed, is respectfully suggested.

By the present tariff, Madeira, Burgundy, Champagne, Rhenish, and Tokay wines pay one hundred cents a gallon, and Sherry and St. Lucar sixty. All other wines, when imported in bottles or cases, pay seventy cents a gallon. This last duty principally affects the claret wines of France, which, at the principal port of shipment, do not generally cost ten cents a gallon. A small portion, however, of these wines sell as high in Bordeaux as Madeira wine in the United States. The small quantity of this quality of wine produced in France, and the great demand for it, produced by the necessary supply for the tables of the rich in that and the neighboring countries, will never admit of any considerable importation of it into the United States. To determine the duty upon claret, with a view to this inconsiderable portion of it, does not appear to be judicious. Considering the cheapness of the common clarets and the salutary effects produced by them, compared with most other wines, the expediency of reducing the duty to a more reasonable proportion to the cost of the article is respectfully suggested. A duty of thirty cents a gallon upon all claret imported in bottles or cases, and of fifteen cents when imported in any other manner, would be higher than the duty now imposed upon Madeira wine, in proportion to their respective cost.

Smuggling, by the introduction of articles clandestinely and without entry, is principally confined to the eastern section of the seacoast; to the points of the coast bordering on East and West Florida, to the coast west of the mouth of the Mississippi river, and to the inland frontier. The vigilance of the custom-houses, with the aid of revenue cutters, and of some additional provisions which have been suggested by experience, will be sufficient to repress practices of this kind, which are necessarily resorted to only by persons in desperate circumstances, and, consequently, are carried on upon a contracted scale, compared with the great mass of importations into the country. The multiplication of small ports of entry in the Chesapeake bay has probably, and

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certainly according to public opinion, given rise to more smuggling than any advantage fairly resulting to the inhabitants of those ports from their establishment will compensate. As a measure well calculated to aid in repressing this kind of smuggling, it is proposed to authorize the commanders of the revenue cutters to require the production of the manifests of the cargo of all vessels boarded by them, when an officer of the customs is not present, and that they be empowered to perform all acts which an inspector or other revenue officer would be permitted to perform, in relation to the manifests so produced.

It is also respectfully suggested that provision be made for requiring of all pilots licensed under the State laws to report, under the sanction of an oath, every vessel piloted by them into any port or place, to the collector of the port to which they belong, as well as to the collector of the district into which the vessel is piloted, within — after such vessel is conducted to its place of destination. On failure to comply with this provision, to be fined — dollars, or imprisoned — months; and, upon second conviction of the same offence, to be rendered incapable of exercising the functions of pilot, in addition to the penalties prescribed for the first offence; or the pilots might be sworn not to pilot any vessel arriving from any foreign port into any other than a port of entry, and bonds might be required to that effect.

The difficulties which have been experienced in the execution of the commercial convention between this country and Great Britain, resulting from the entire independence of this class of men of the laws of the Union regulating foreign commerce, and which have produced serious reclamations on the part of the British Government, may suggest the propriety of extending the authority of the Federal Government over them still further than the safety of the revenue may require.

More effectually to guard against smuggling upon our inland frontier, it is necessary that provisions of the following nature be adopted:

1. That all boats, skiffs, and other craft, of every size and description, be compelled to enter and clear in all the waters bordering upon the British possessions; and that for every violation of this provision, and for unloading without such entry, the boat, skiff, or craft, with tackle, rigging, and cargo, to be forfeited.

2. That every wagon, sleigh, or any other vehicle, in which goods are found subject to duty which have not been entered, shall, with the team by which they are respectively drawn, together with the goods, be forfeited; and the party shall, moreover, forfeit and pay double the value of such goods.

3. That it shall be lawful for any person importing foreign merchandise by land from the British dominions in America to enter such goods at the office of the nearest deputy collector to the road by which they are imported; and in all cases where goods so imported shall be found not being entered after having passed by such

office, they shall be liable to seizure and condemnation, as being illegally imported.

Upon the whole of our inland frontier, bordering upon the British possessions, an impression generally prevails that injustice is suffered by the inhabitants, from being subjected to a higher rate of duty upon all merchandise imported from these possessions than is paid by that portion of their fellow-citizens who receive their supply of foreign merchandise from the Atlantic ports. This impression has enlisted the feelings and sympathies of the people in favor of the illicit introduction of foreign merchandise, by which the revenue is greatly defrauded, in proportion to the importations which are made from the British possessions. The loss of the revenue, however, is but a secondary object in the consideration of this subject. The influence which the continuation of this state of public feeling must necessarily have in corrupting our citizens, and producing an habitual disrespect for the laws, demands the peculiar attention of the Legislature. If the inequality in the contributions paid by the consumers of merchandise imported from Canada can be destroyed, there is just reason to believe that public opinion will, upon that frontier, be enlisted on the side of the laws, and that smuggling will be considered as disgraceful there as on the Atlantic coast.

It is, therefore, respectfully submitted, whether it is not expedient to provide that, in all cases of importations into the United States from Quebec, Montreal, or any other commercial town in the British territories, the duties shall be estimated upon the cost of the articles at the place of original purchase, under the following regulations, viz:

1. The merchant from whom the goods are bought in the British dominions shall, before the mayor of the city, or a judge of the court of record, and in the presence of the purchaser and importer into the United States, produce a copy of the original invoice, and swear that it contains an accurate statement of the price given for the goods described in their then state of manufacture.

2. The importer into the United States shall produce the copy of the original invoice so verified, and also a copy of the invoices of the goods purchased by him, accurately exhibiting the current value of the said articles at the place of purchase, and which has been paid; and shall upon oath declare to the correctness of the latter, and that the former was verified in his presence.

The adoption of regulations of this kind, it is believed, will effectually guard the revenue against frauds and evasions arising from attempts to enter merchandise below its real cost, and may have the happiest effect in discountenancing smuggling of the most flagrant character, and in restoring public opinion upon this important subject to a sound and healthful state.

The district of Champlain extends from the shores of Lake Champlain to the river St. Lawrence. The waters falling into the former are separated from those falling into the latter by a

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mountainous range, which, in a great measure, insulates the one from the other.

It is, therefore, deemed expedient to form another collection district of that part of the Champlain district which lies west of that range, including the northern part of the district of which Ogdensburg is the port of entry.

From information obtained from the gentlemen who traversed the lakes during the Summer and Autumn of 1816, as far as Lake Superior, for the purpose of determining the boundaries of the United States, according to the provisions of the treaty of Ghent, it is believed that the public interest requires that a collection district should be formed, comprehending the shores and waters of Lake Superior lying within the United States and the western shore of Lake Huron; the port of entry of the district to be at the falls of St. Mary, on the water communication between those lakes.

Another collection district also appears to be necessary in the western extremity of the State of Louisiana. That section of the country has lately been the scene of the most active smuggling, especially in African slaves, from Galveston. Although the suppression of that establishment may for some time check the smuggling practices which have been carried on in that quarter, yet there is just ground to apprehend that they will be resumed from other points of the same coast, unless suitable measures of prevention are adopted.

The act of 1799, in the fifty-eighth section, fixes the tare which shall be allowed upon packages, casks, &c., therein described, containing articles paying specific duties. The enumeration, however, is, by practice, found to be imperfect. The defects have been supplied by regulations, which are probably not uniform in all their parts. The statement A, hereto annexed, presents a list of the principal items embraced by those regulations.

The act of the 27th of March, 1804, which imposes specific duties upon a great variety of articles which before paid ad valorem duties, has made no provision for ascertaining the tare of such articles, when imported in packages, &c. Statement B contains an enumeration of those articles, with the tare allowed by regulation. The propriety of establishing those rates, by law, is respectfully suggested.

Under the navigation act, vessels employed in the coasting trade are subject to a tonnage duty of fifty cents, unless the officers and three-fourths of the crews are American citizens. This duty is to be paid upon every voyage by registered vessels, and once a year by licensed vessels. The proof is to be made by the collector, to whom the duty is payable. This proof is much more easily made at the port to which the vessel belongs, than at the port to which it is bound. It seems, therefore, to be expedient that the proof of citizenship should be tendered to the collector of the port from whence the vessel sails. The certificate of the collector should be considered a satisfactory evidence by the collector of the port to which the vessel is bound, unless where the contrary should be made to appear. Every change in the officers or crew should be certified by the

collector of the port where such change is made. It is only by recording such changes, as they occur, and certifying the character of the crew as often as they happen, that it is possible for a licensed vessel to exempt itself from the payment of fifty cents per ton.

The act of 1793, for registering and licensing vessels, is considered defective, by reason of not defining, with sufficient accuracy, the condition upon which the bonds should be forfeited. It is understood that the courts have declared them void.

The bond for delivering the register of a vessel sold to foreigners does not fix the time within which the register shall be surrendered, and is, therefore, generally nugatory. There is no remedy against the discharge of American seamen in foreign ports, where the vessel is sold. If the bond should embrace this object, and should be forfeited in six months after the sale of the vessel, if the register should not be delivered within that time, where the sale was made in Europe, and twelve in countries beyond the Cape of Good Hope, the object contemplated by requiring the bond might be secured. The party might be permitted to send the sailors home at his own expense, and avoid the penalty of the bond, so far as that condition was concerned.

The forfeiture of four hundred dollars, for departing from a port to which a vessel has cleared, and in which it has arrived without entering, is believed to be inadequate to the object.

The act of Congress intended to secure to the United States a priority over individual creditors, in the recovery of debts, in all cases of the insolvency of its debtors, has been found to be inadequate to the object for which it was enacted. This has arisen, in some degree, from the provisions of some of the State laws, by which liens are obtained, by taking out attachments, which are levied upon the property of their debtors, when upon the brink of insolvency, or immediately after such insolvency is known.

As no doubt is entertained of the justice and propriety of securing this legal priority, in all cases connected with the revenue, or with the tenure by which offices are held under the United States, the expediency of revising the act relating to this subject, in order to render it effectual, is respectfully suggested.

It may be proper, in closing this report, to bring into view subjects which, though not strictly embraced by the resolution, may be considered as fairly incidental to it. Among these may be mentioned the inconvenience and loss to which the Treasury is subjected, by suffering, in particular States, landed property to be set over to the United States, upon appraisements, in discharge of debts arising from custom-house bonds. The property is always appraised for more than it will sell; it has, therefore, been generally retained, with a view to realize the sum at which it has been received. In the mean time, for the want of proper agents, or indeed agents of any kind, it remains not only unproductive but generally becomes less valuable. This principle seems to

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have been adopted from a respect to the State laws. Its inequality is, however, a sufficient argument against its continuation, independent of the loss which the Treasury suffers from it. In some of the States where the United States are subjected to this inconvenience, the States have taken better care of their own interests, by excepting them from the operation of it. If the law, in this regard, is not changed, it will be necessary to authorize the appointment of agents in those States, to take charge of the real property of which the United States are already, or may hereafter, become the owners; or else it will be necessary to make sale of them, with as little delay as possible, without regard to the loss which may be incurred.

If it is judged expedient to legislate upon the subject, it may be proper to authorize the sale of those lands by the marshal, with the power to make titles to the purchaser. Under the existing laws, the practice is for the Secretary of the Treasury to execute the titles.

Should the principal provisions which are recommended be adopted, the importance of public warehouses will be greatly increased.

The appropriation which was made for that object, in the year 1816, was applied by the late Secretary of the Treasury, to the purchase of custom-houses and warehouses in Boston, New York, and Philadelphia. Measures have been taken, during the last year, to build or to procure suitable establishments for the same purpose in Baltimore and in Charleston. Statement C, which is annexed, shows the application of the sum appropriated, and an estimate of the sum necessary for the accomplishment of the object for which it was made. It may be proper to observe, that a considerable expenditure will be necessary in Philadelphia before the object of the appropriation can be effected.

Statement D shows the application of the appropriation of \$50,000 for purchasing or erecting, for the use of the United States, suitable buildings for custom-houses and public warehouses, in such principal district, in each State, where the Secretary of the Treasury shall deem it necessary, for the safety and convenient collection of the revenue.

Under this appropriation, custom-houses and public warehouses have been purchased at Portsmouth, in New Hampshire, and New Haven, in Connecticut. Lots have been purchased at Providence, in Rhode Island, and at Norfolk, in Virginia. In the former, a contract will shortly be made for the erection of the building. The price of suitable lots in Norfolk and in Savannah, and the high price demanded for the erection of buildings in those places, will not authorize the Department to enter into any engagements for the erection of necessary buildings, until it is ascertained whether an additional appropriation will be made for that object. It may not be improper to state, that, in some of the ports to the eastward, houses and lots have been set over to the United States, which are represented to be suitable to the object in question. The commerce,

however, of those ports is inconsiderable, and probably will remain so for many years.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, Jan. 17, 1818.

Circular.

TREASURY DEPARTMENT, May 7, 1817.

SIR: A general impression appears to prevail in all the commercial cities, that frauds upon the revenue are committed to considerable extent, by invoicing merchandise paying an ad valorem duty, which costs less than twenty-five cents the yard, with those which exceed that price, so as to produce an average value above twenty-five cents the yard, and thereby introduce coarse and cheap fabrics without paying the duty contemplated by the tariff. According to the same impression, frauds of a more glaring nature are frequently committed upon the revenue, especially in importations upon consignment, by the introduction of articles not described in the invoices, which, from the imperfect manner in which the inspection of the packages are made, escape with impunity. It is possible that this impression may not be correct to the extent that it has been made; but it is believed that a due regard to public opinion upon this subject requires that a more rigid inspection than has heretofore been made should now be attempted, with a view to detect the frauds which are supposed to be practised. It is, therefore, proposed,

1st. That a certain proportion of the packages which contain goods subject to ad valorem duties shall be selected from each invoice by the collector, which shall be strictly inspected, with a view to detect frauds which may be attempted, by putting in the same invoice goods of greater and less price than twenty-five cents a yard.

2d. That a certain proportion of packages paying specific duties be designated in like manner by the collector, which shall be thoroughly examined for the purpose of detecting any attempt which may be made to smuggle articles not described in the invoice.

3d. That the proportion of packages to be designated by the collector, on importations upon consignment, be double the number when the person who enters them is the owner and importer.

4th. That, in all cases of consignment, the packages designated shall be lodged in the public warehouses until the inspection be made.

5th. That every importation shall be deemed to be upon consignment, unless the person who makes the entry shall expressly negative the fact in oath of entry.

In order that the inspection directed for detecting frauds of the first kind may be skilfully executed, the inspector, whose habits and information qualify him for the discharge of that duty, and in whose judgment and fidelity you have most implicit confidence, should be exclusively employed for that purpose.

As it is an object of importance that the revenue system should be rendered as perfect as pos-

State of the Sinking Fund.

sible, and that every attempt to evade the provisions of the existing laws should be known, you are requested to communicate to this Department every circumstance of that nature, accompanied by suggestions of the provisions necessary to repress the evil.

WM. H. CRAWFORD.

A.

Sugar, in canisters, 40 each; sugar, in seroons, 8 per cent; cocoa, in seroons, 8 per cent; cheese, in casks, 15 per cent; indigo, in cases, 15 per cent; twine, in cases, 15 per cent.

B.

Tares allowed by custom, July 25, 1804.

| | | | |
|-----------------------------|---|---|--------------|
| Almonds, bags, | - | - | 4 per cent. |
| frails, | - | - | 10 do |
| casks, | - | - | 15 do |
| Cassia, Chinese, boxes, | - | - | 18 do |
| mats, | - | - | 6 do |
| Cinnamon, boxes, | - | - | 25 do |
| Cloves, casks, | - | - | 12 do |
| bags, | - | - | 4 do |
| Currants, casks, | - | - | 12 do |
| boxes, | - | - | 10 do |
| Figs, boxes, | - | - | 10 do |
| mats, or frails, | - | - | 4 do |
| Glue, casks, | - | - | 20 do |
| boxes, | - | - | 15 do |
| Lead, white, in oil, | - | - | 8 do |
| dry, | - | - | 6 do |
| red, | - | - | 5 do |
| Mace, casks or boxes, | - | - | 18 do |
| Nutmegs, casks, | - | - | 12 do |
| bags, | - | - | 4 do |
| Ochre, yellow, in oil, | - | - | 12 do |
| dry, | - | - | 10 do |
| Powder, gun, quarter casks, | - | - | 5 each. |
| half hundred, | - | - | 9 do |
| whole hundred | - | - | 23 do |
| Plums, boxes, | - | - | 8 per cent. |
| Prunes, boxes, | - | - | 8 do |
| Raisins, boxes, | - | - | 15 do |
| jars, | - | - | 18 each. |
| casks | - | - | 8 per cent. |
| frails, | - | - | 4 do |
| drums, | - | - | 10 do |
| Spanish brown, casks, | - | - | 12 each. |
| Sheet iron, boxes, | - | - | 8 do |
| Tallow, casks, | - | - | 12 per cent. |
| seroons, | - | - | 8 do |

| | | | |
|------------------------------------|---|---|--------------|
| Tallow, tubs, | - | - | 15 per cent. |
| Fish, dry, casks, | - | - | 12 do |
| boxes, | - | - | 12 do |
| Snuff, casks, | - | - | 12 do |
| boxes, | - | - | 15 do |
| Almonds, cases, | - | - | 8 do |
| Steel, cases, | - | - | 8 do |
| Spanish brown, in oil and in kegs, | - | - | 8 do |
| Figs, casks, | - | - | 12 do |
| Almonds, seroons, | - | - | 10 do |
| Figs, drums, | - | - | 8 do |

C.

Amount of money expended under the appropriation of \$250,000 for providing suitable buildings for the custom-houses at Boston, New York, &c.

Amount of appropriation, - - \$250,000 00

Expenditures:

| | |
|---------------|-------------------|
| At Boston, | \$29,000 00 |
| New York, | 70,000 00 |
| Philadelphia, | 33,600 50 |
| Baltimore, | 50,000 00 |
| | <u>182,600 50</u> |

Unexpended balance, - - \$67,399 50

In conjunction with the above-mentioned balance, it is estimated that there will be required the further sum of \$87,600 50 for the following ports, viz:

| | | | |
|---------------|---|---|------------------|
| Baltimore, | - | - | \$20,000 |
| Philadelphia, | - | - | 75,000 |
| Charleston, | - | - | 60,000 |
| | | | <u>\$155,000</u> |

D.

Statement of moneys expended and contracted to be expended under the appropriation of \$50,000 for purchasing or erecting suitable buildings for custom-houses and public warehouses, &c.

| | | | |
|-------------------------------|---|---|-----------------|
| At Portsmouth, New Hampshire, | - | - | \$8,000 |
| Providence, | - | - | 3,000 |
| New Haven, | - | - | 5,000 |
| Norfolk, | - | - | 9,000 |
| | | | <u>\$25,000</u> |

It is estimated that, in addition to the unexpended balance of the above-mentioned appropriation, the further sum of \$75,000 will be required to accomplish the object.

SINKING FUND.

[Communicated to the Senate, February 10, 1818.]

The Commissioners of the Sinking Fund respectfully report to Congress as follows: That the measures which have been authorized by the board, subsequent to their report of the 7th of February, 1817, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to the board, dated the 6th day of the present month, and the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

JOHN GAILLARD, *President of the Senate pro tempore.*

J. MARSHALL, *Chief Justice of the United States.*

JOHN QUINCY ADAMS, *Secretary of State.*

WM. H. CRAWFORD, *Secretary of the Treasury.*

WM. WIRT, *Attorney General.*

WASHINGTON, February 7, 1818.

State of the Sinking Fund.

TREASURY DEPARTMENT, February 7, 1818.

The SECRETARY OF THE TREASURY respectfully reports to the Commissioners of the Sinking Fund:

| | |
|---|------------------------|
| That the balance of moneys advanced on account of the public debt, remaining unexpended at the close of the year 1815, and applicable to the payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to | \$38,650 94 |
| From which, however, is to be deducted a sum twice credited by the commissioner of loans at Boston, and included in Cc, of last year, and which formed a part of that balance, since corrected by Treasury statement, on said loan office account No 32,187, | 12,440 00 |
| | <u>\$26,210 94</u> |
| Together with sums disbursed from the Treasury during the year 1816, on account of the principal and interest of the public debt, which sums, as appears by the revised statement Cc, accompanying this report, amounted to | 25,682,188 12 |
| Together with a further sum arising from profit in exchange on remittances from London to Amsterdam during the year 1816, as appears by an explanation thereof annexed to the Treasury statement No. 34,730, | 18,688 67 |
| And with a further sum, arising from damages and interest on certain protested bills, being the difference between the amount paid for said bills of exchange and the amount received into the Treasury in repayment thereof, | 7,361 09 |
| Amounting, together, to | <u>\$25,734,448 82</u> |

Have been accounted for in the following manner, viz:

| | |
|--|------------------------|
| 1. There was repaid into the Treasury, during the year 1816, on account of the principal of moneys heretofore advanced for the payment of the principal of the public debt, as appears by the statement E, annexed to this report, the sum of | \$922,132 19 |
| 2. The sums actually applied during the year 1816 to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, amounted, as appears by the annexed statement A, to the sum of | <u>\$24,212,115 60</u> |
| In the reimbursement of the principal of the old 6 per cent. and deferred stocks | \$1,662,124 18 |
| In the reimbursement of temporary loans | 1,225,000 00 |
| Payment of the principal of Treasury notes | 14,167,491 00 |
| | <u>17,054,615 18</u> |
| On account of the interest and charges of the same | 7,157,500 42 |
| | <u>24,212,115 60</u> |
| There was transferred from the funds provided for the payment of interest on Louisiana 6 per cent. stock the sum of £957 17s. 10d. sterling, to the funds provided for the diplomatic department abroad, and credited by the agents at Amsterdam, as per Treasury statement No. 32,889 | 4,257 29 |
| There was a loss in exchange on remittances from America to Europe, during the year 1816, as appears by statement D, annexed to last report, the sum of | 75,446 94 |
| 3. The balance remaining unexpended at the close of the year 1816, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement B, to | 520,496 80 |
| | <u>\$25,734,448 82</u> |

That during the year 1817, the following disbursements were made out of the Treasury on account of the principal and interest of the public debt, viz:

| | |
|--|------------------------|
| On account of the interest on the funded domestic debt and reimbursement of the principal of the old and deferred 6 per cent. stocks | \$6,019,312 48 |
| On account of the principal and interest of temporary loans— | |
| Reimbursement of principal | \$550,000 00 |
| Payment of interest | 18,106 16 |
| | <u>568,106 16</u> |
| On account of principal and interest of Treasury notes | 3,592,927 60 |
| On account of the principal and interest of the Louisiana stock payable in Europe— | |
| On account of the reimbursement of principal | 419,189 74 |
| Payment of interest | 328,329 69 |
| | <u>747,519 43</u> |
| On account of the reimbursement of the domestic debt | 14,955,735 25 |
| Amounting, together, as will appear by the annexed list of warrants marked C, to the sum of | <u>\$25,883,600 92</u> |

State of the Sinking Fund.

| | |
|---|-----------------|
| Which disbursements were made out of the following funds, viz : | |
| 1. From the annual appropriation of ten millions of dollars for the year 1817, agreeably to the second section of the act to provide for the redemption of the public debt, passed the 3d March, 1817 | \$10,000,000 00 |
| And the additional sum appropriated by the third section of the said act | 9,000,000 00 |
| And so much of the sum of four millions designated in the said section of that act | 2,830,108 52 |
| And paid from the funds " arising from the proceeds of duties on merchandise imported, and on the tonnage of vessels, and from the proceeds of internal duties, and of the sales of Western lands," agreeably to the said act. | |
| 2. From repayments into the Treasury on account of moneys heretofore advanced for the purchase of bills of exchange, for the payment of interest and reimbursement of the funded debt, and of Treasury notes | 460,564 80 |
| 3. From the appropriation by law in relation to Treasury notes, being the amount of payments for principal and interest of Treasury notes at the Treasury, and for which warrants were issued for payment as per foregoing recited statement C | 3,592,927 60 |
| Make the amount paid upon warrants, as before stated | 25,883,600 92 |
| That the disbursements above mentioned, together with the balance before stated, which remained unexpended at the end of the year 1816, amounted to | 520,496 80 |
| With two items of gain on remittances for the redemption of the Louisiana 6 per cent. stock, and for the payment of interest on said stock, as per statements D and Dd, amounting to | 3,512 59 |
| | 26,407,610 31 |
| Have been accounted for, so far as respects the redemption of the funded debt, under the act passed the 3d March, 1817, and as exhibited in a particular statement of its application, as per statement F annexed, and which is rendered as a part of this report | 14,955,735 25 |
| The residuary balance of | \$11,451,875 06 |
| Will be accounted for in the next annual report, in conformity to the accounts which shall have been rendered to this Department. | |
| In the meantime, the manner in which the said balance has been applied is estimated as follows : | |
| In the reimbursement of the old and deferred 6 per cent. stocks for 1817 | \$1,603,997 70 |
| In the reimbursement of temporary loans | 550,000 00 |
| Towards the redemption of the Louisiana 6 per cent. stock | 419,189 74 |
| In the payment of the principal of Treasury notes | 3,058,234 00 |
| Principal | 5,631,421 44 |
| In the payment of interest on the funded debt, temporary loans, and Treasury notes, as per estimate F | 6,390,495 79 |
| | \$12,021,917 23 |
| In the next annual statement the repayments in 1817 will be exhibited as a deduction from the total amount of warrants issued for the public debt for that year, and of which they form a part, to the amount of | 460,564 80 |
| | 12,482,482 03 |
| As the funds in the banks from which a part of the above payments, to the amount of \$12,021,917 23, were not covered by warrants until after the 31st December, 1817, the amount thereof forms a deduction, and will appear in the next annual statement | 1,030,606 97 |
| Leaves the amount of the residuary sum, as before stated, of | \$11,451,875 06 |
| The statement G, accompanying this report, exhibits a sum provided abroad to be applied to the payment of the interest on the 6 per cent. Louisiana stock, at London and Amsterdam, to the amount of | \$220,694 84 |
| The amount of protested bills returned for non-payment, and which remain to be recovered, as per list herewith included in statement G | 135,072 52 |
| | \$355,767 36 |

That funds were provided for the payment of the Treasury notes, which, by the last report to the board, remained unprovided for and unpaid; and that the examination, cancelment, and final adjustment of that medium of circulation is in full operation at the Treasury.

That all temporary loans have been discharged.

That agreeably to the act passed last session, and in pursuance of the directions of the board, all certificates for funded stock redeemed that had been issued are in a course of being cancelled and destroyed.

A statement marked H is annexed, which exhibits the amount of the debt of the United States on the 1st January, 1818. All which is respectfully submitted.

WM. H. CRAWFORD.

Indulgence to Purchasers of Public Lands.

INDULGENCE TO PURCHASERS OF PUBLIC LANDS.

[Communicated to the Senate, March 27, 1818.]

TREASURY DEPARTMENT,
March 27, 1818.

SIR: I have the honor to acknowledge the receipt of your letter enclosing the resolution of the Senate of the 25th instant, instructing the Committee on Finance "to inquire into the expediency of extending further time to the purchasers of public lands to complete their payments for the same."

In answering your request for information upon this subject, I have the honor to observe, that, in general, the means of meeting with punctuality the demands of the Government upon the purchasers of public lands have never, at any period, been more ample. If the seasons have for several years past been unfavorable to abundant crops, the high price which the surplus of those crops have commanded has amply rewarded the labors of the husbandman.

The inability of the purchaser to comply with his engagements to the Government must be sought, if it exists, in other causes than the want of liberal prices for his surplus products. It, in fact, is to be found in the inundation of certain sections of the Union with a paper currency, which, without possessing the essential properties of a circulating medium, has, by the facility with which it has been obtained, excluded from circulation the bills of banks of more established credit and of more general currency. In order to diminish the pressure which was apprehended in passing from paper to specie payments by the banks, during the Winter and Spring of 1817, the paper of all incorporated banks which ostensibly discharged their bills in specie was received by the collectors and receivers of public money. At that period there was in the public treasury more than a million and a half of the bills of various banks, which were not current, and was therefore inapplicable to the current expenses of the Government. By giving time to the banks by which these bills had been issued, it was hoped that they would be able to redeem their notes by establishing credits with banks of greater stability and of more extensive credit. In many instances this expectation has been realized; but the diminution, thus effected, has been nearly balanced by the receipt since that time of the bills of banks which will not be entered as specie to the credit of the Treasury by the Bank of the United States, its offices, or State banks employed as offices of deposit. It is a fact, that there is now in the Treasury more than a million of dollars of special deposit, which cannot be immediately applied to the emergencies of the Government. To bring an evil of this magnitude to a termination as prompt as the public interest would permit, the collectors and receivers of public money throughout the nation have been instructed to receive in payment of duties, taxes, and

public lands, nothing but current specie, the bills of the Bank of the United States, its offices, and State and other local banks employed as offices of deposit, and the bills of such other banks as will be received by them and credited as specie for the use of the United States. It may be proper to observe, that the Bank of the United States and its offices receive as specie the bills of all local banks which pay specie, that are established in the places where that bank and its offices are respectively established. The local banks employed as offices of deposit by the Bank of the United States have, it is believed, generally adopted the same rule. The enclosed list of the offices, and local banks employed by the Bank of the United States in that character, will enable the committee to form some estimate of the number of banks, the bills of which are receivable by the Government under the existing regulations. The number is not accurately ascertained, but it is presumed that the number of State and local banks, the bills of which are received in all payments due to the Government, exclusive of those which are employed as offices of deposit, cannot fall short of one hundred. From this view of the subject, it is manifest that no pressure can be produced by the instructions which have been recently given to the collectors and receivers of public money, except in those sections of the Union where the multiplication of local insulated banks, with little, and, in some cases, no capital, have driven from general circulation the paper of banks whose credit is perfectly established. The bills of such banks are driven from circulation within the immediate sphere of the circulation of the local banks, by their assuming the character of articles of commerce, the value of which is continually fluctuating, but always of greater value than the bills of such local banks. As articles of commerce, they are exported from the districts of country inundated with the bills of local and insulated banks. By this course of things, the inhabitants of such districts are unable to procure any other bills than those of the little local banks, which, compared with the bills of the Bank of the United States, and of those of the banks which are received by that bank and its offices, are greatly depreciated. These bills cannot be received by the Government consistently with the public interest, or with the obligations imposed upon the Secretary of the Treasury by the existing laws. To pay the demands of the Government in those districts in any other than the bills of the local banks will subject the debtors for public lands to a loss equal to the depreciation of those bills compared with the bills which are receivable. The expediency of extending the time of payment depends upon the difficulty and the loss to which the public debtors will be subjected by refusing to receive depreciated paper in satisfaction of their debts. The state of the Treasury does not render it expedient to press unnecessarily upon the public debtors. The only ground upon which the expediency of the measure may be questionable is, that the evil from which re-

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lief is intended to be given is the creation of those who are to be relieved. The events of the last Autumn and Winter, in the section of the country where the expediency of extending the time of payment alone exists, are calculated to produce an impression that the cause of the evil is not there understood, and that it will probably be increased until this important discovery shall be made.

I have the honor to be, your most obedient servant,

WM. H. CRAWFORD.

Hon. G. W. CAMPBELL,
Chairman Committee on Finance.

SETTLEMENT OF PUBLIC ACCOUNTS.

[Communicated to the Senate, January 22, 1818.]

In obedience to a resolution of the Senate of the 11th of December, 1817, requiring the Secretary of the Treasury "to lay before the Senate information of the progress which has been made in the settlement of public accounts, under the act 'to provide for the prompt settlement of public accounts;' and that he also state what further legal provisions may be necessary, in his opinion, to insure the speedy settlement of public accounts," I have the honor to submit the enclosed reports of the First and Second Comptrollers and the five Auditors of the Treasury.

From them it appears that that portion of the public accounts which are subjected to the examination of the Second and Fourth Auditors have been adjusted, and that the books of those officers have been brought up to the 1st day of the last month.

In the office of the First Auditor much remains to be done before the accounts subjected to the examination of that officer can be adjusted.

The imposition of the internal and direct taxes in the year 1813, and in the subsequent years, together with the embarrassment produced by the issue of Treasury notes bearing interest, (each of which, in its final redemption or payment into the Treasury, not only presented a complicated account involving generally several calculations of interest, but rendered the account of every officer through whose hands it passed extremely complex,) greatly increased the duties of this officer and of the First Comptroller of the Treasury. This increase in the duties of those officers was not attended by a correspondent increase of the force placed at their disposition for the performance of the services required of them.

The great number of banks which became the depositories of the public money after the dissolution of the late Bank of the United States, and particularly after the derangement of the currency in the year 1814, together with the complexity introduced in the accounts of the Secretary of the Treasury, and of the Treasurer of the United States, by the subdivision of the public revenue into cash, special deposits, small Treasury notes, and Treasury notes bearing interest, had, during

the years 1815 and 1816, produced some irregularity in the accounts of these two officers, which it has required much labor and assiduity to correct.

This circumstance, and the other causes which have been stated, have necessarily produced in the office of the First Auditor of the Treasury a considerable arrearage in the settlement of the accounts confided to him. So far as the accounts of the Secretary of the Treasury are connected with this arrearage, the cause of delay has been removed. The abolition of the internal duties will considerably diminish the labors of the First Auditor, and will enable him to settle with promptitude the accounts which are examinable in his office.

The accounts assigned to the Fifth Auditor of the Treasury were greatly in arrear. That officer, however, believes that, with the number of clerks subject to his direction, he will be able to examine and report upon them without unnecessary delay.

In the office of the Third Auditor of the Treasury, where all the old accounts of the War Department are to be examined, a great mass of accounts remain unsettled. It is in that office where the greatest difficulties are to be surmounted, where remedies of the most energetic character are required. By referring to the report of that officer, it will be found that the most serious obstacle to the prompt settlement of the public accounts is the want of power to compel delinquent officers to render their accounts and vouchers. In the Pay Department it is extremely unsafe to settle the accounts of any paymaster until the accounts and vouchers of every paymaster employed in the same part of the country are rendered.

The same observation applies with nearly the same force to the Quartermaster's Department. The great mass of officers employed in both of these departments during the late war, and whose accounts are still unsettled, are now out of office. Should a small number of these officers obstinately withhold their accounts and vouchers, the settlement of the accounts of the others, as well as their own, will be indefinitely protracted, unless the power of coercing settlements shall be greatly extended. At present, the means of compelling delinquent officers to render their accounts and vouchers for settlement consist, 1st. In ordering an action to be brought against the delinquent, upon the trial of which no voucher is admissible which has not previously been presented to the accounting officers of the Treasury; 2d. The forfeiture of commissions, and the payment of interest at the rate of 6 per cent. from the time the money was received until it is repaid into the Treasury, if the final judgment should be in favor of the United States; and, 3d. The payment of costs, whether the judgment is for or against the defendant.

The first is found in practice to be wholly inefficient, as the party never fails, under the third and fourth sections of the act which contains these provisions, to have his retained vouchers

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presented to the Treasury after the commencement of the action, so as to remove that objection to their legal admissibility. The payment of interest from the time the money was received until it is repaid into the Treasury is nothing more than what is required by the ordinary demands of justice, and can hardly be considered as a penalty. The forfeiture of the commissions to which the party would have been entitled had he acted correctly is generally more than balanced by the benefit derived from the possession of the public money for the length of time which generally elapses before the sum embezzled can by legal process be wrested from the delinquent. A reference to the acts of the 3d of March, 1795, and of the 3d of March, 1797, which contain the principal provisions for the recovery of debts due the United States, will furnish some idea of the delays to which the settlement of the public accounts must necessarily be subjected where the accounts of the delinquents are not connected with those of other officers; but where they are connected with the accounts of a great number of other officers, the delays which must necessarily result on account of the refusal or neglect of a small number of them to render their accounts and vouchers may be considered, with respect to any practical result, as interminable.

It is therefore respectfully suggested that further provision be made for compelling the officers of the Government to whom the disbursement of the public money is confided to render their accounts and vouchers at stated periods. As long as the officer remains in office, the power of removal vested in the Executive Department may be considered sufficient for this purpose; but when that power has been exercised, or when the office has in any other way become vacant, the means of coercing a settlement are extremely defective. For a definition of the power which ought to be vested in the officer charged with the collection of debts due to the United States, as well as for the general reasoning on this subject, the Senate is respectfully referred to the report of the Secretaries of the different departments, made upon this subject to that honorable body on the 6th of December, 1816, and to a letter from the same officers to the chairman of the committee to whom that part of the President's message relating to changes in the organization of the departments was referred in the House of Representatives, bearing date the 31st day of December of the same year.

The views and opinions presented in those papers not only remain unchanged, but have acquired additional force from the experience of the past year. The money remaining in the hands of the officers employed during the late war, whose accounts remain unsettled, must be very considerable. In several cases where they have rendered their accounts, and admit considerable balances to be in their hands, they have refused to pay over the balance until their accounts are finally settled; which, from the explanations already given, may be protracted to a period so remote as to subject the Government to the eventual loss of the whole

from the death, insolvency, or emigration of the principal and sureties.

If the power recommended by the reports referred to should not be vested in the Government, some provision for promptly enforcing the payment of sums admitted to be in the hands of officers no longer employed is certainly necessary. The propriety of absolutely rejecting, on the trial of any action brought against a delinquent officer, every voucher which had not been presented to the accounting officers of the Treasury before the commencement of the action, is respectfully suggested.

Independent of the changes proposed in the existing provisions upon this subject, the appointment of an officer who shall be exclusively charged with the power of instituting and superintending all actions brought by the United States for the recovery of money is again respectfully submitted to the consideration of the Senate. This recommendation is founded upon the fullest conviction that the duties now required of the First Comptroller of the Treasury, cannot be correctly performed by any officer whatever. The revision of accounts reported to that officer by the First and Fifth Auditors of the Treasury, and by the Commissioner of the General Land Office, if revision is intended to be any substantial check upon the acts of those officers, must, by every person who will take the trouble to examine into the subject, be considered sufficient to command the whole of his time and attention.

It is not expected that the principal officer in the primary or secondary departments of the Government, will be able minutely to examine every case upon which they decide; but unless it is understood that a certain portion of the cases will be so examined, a degree of negligence and laxity on the part of the subordinate officers in those departments, whether principal or secondary, may reasonably be expected. The gradation from unintentional error to wilful negligence, and from the latter to the practice of deception, is gentle and almost imperceptible. The principal officer of each office is responsible to the nation for the correct discharge of the duties required of him, and legal checks have been devised to correct and detect the errors which may be committed in the execution of their public functions. The clerks or subordinate officers are responsible to the chief of the office for the correct discharge of their duties; the only check, however, which he possesses is the examination which he is able to make of their official acts before they receive his official signature. If, then, the duties required of any officer are so great and multifarious as to prevent his giving to the acts of his subordinate officers such an examination as will render the detection of any errors which may be committed by them probable, there is imposed upon him the highest responsibility, without the adequate means of acting up to that responsibility. Such is believed to be the situation of the First Comptroller of the Treasury.

The correspondence which he is compelled to carry on with the collectors of the customs, the

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district attorneys, and the marshals, will afford ample employment to an active and intelligent officer, aided by a recording clerk. Should it, however, be deemed advisable to continue with the Comptroller the duty of corresponding with the collectors of the customs, and deciding upon legal questions arising under the revenue laws, the officer proposed to be appointed might find ample employment by being charged with the light-house establishment, which is now under the superintendence of the Commissioner of the Revenue. He might also be directed to perform any other duty which the President of the United States might think proper to require of him.

From the best view of the subject which I have been able to take, the appointment of a Solicitor of the Treasury appears to me to be indispensable, without any reference to the decision of Congress upon the changes which have been proposed to the laws relating to the collection of debts.

If such an office is not created by law, it must exist in fact, as the Comptroller of the Treasury must of necessity delegate to one of his clerks the power of corresponding with the district attorneys and marshals, and hold him responsible for the due execution of that duty, without being able to examine his acts in a manner necessary to the exercise of a salutary check upon them.

The opinion expressed by the Second Auditor of the Treasury, relative to the distribution of the accounts of the War Department between the Second and Third Auditors, is entitled to consideration; but there is some reason to believe that the inconvenience of which he complains is rather the result of ignorance or negligence in the officers who make returns, than of any defect in the distribution made between those officers. The evil will necessarily diminish by time and experience. The irregularity in the returns of the quartermasters, military storekeepers, and commissaries, will be corrected, by instructing them how to make their returns. It is not believed that the public service requires any essential change to be made in the distribution of duty between the accounting officers of the Treasury as now established by law. A more simple distribution between the two Comptrollers might confine the duty of the First to the settlement of all accounts arising from the collection of the revenue, and payment of it into the treasury; whilst the Second should take charge exclusively of all accounts resulting from its disbursement from the treasury. Some difficulty, however, would arise in carrying this principle into effect, especially in distributing the duty between the Auditors.

It may, however, be proper to observe, that the report of the heads of Departments, before referred to, recommended a transfer of the Indian Department from the War to the Home Department. As that part of the system was not adopted, the Secretary of War is not relieved from examining and sanctioning all the contingent allowances made to the agents, interpreters, &c., employed in our intercourse with the Indian tribes. The transfer of the Indian accounts to

the Fifth Auditor of the Treasury is not attended with any good effect. It introduces an anomaly into the Departments, by making the Treasury disburse the Indian appropriations, under the direction of the Secretary of the War Department. As relief to the Secretary of War, and not to the Second and Third Auditors, was the object of that recommendation, the assignment of those accounts to one of the Auditors last mentioned is respectfully recommended.

It may be proper to state that this suggestion does not embrace the accounts of the Superintendent of Indian Trade, which were previously settled in the Treasury Department.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREAS'Y DEP'T, Jan. 21, 1818.

TREASURY DEPARTMENT,

Comptroller's Office, Jan. 5, 1818.

SIR: In compliance with your request to be furnished, so far as the accounts under my direction were involved, with the information required by the resolution of the honorable the Senate of the United States, of the 11th ultimo, relative to the progress which has been made in the settlement of public accounts, under the act to provide for the prompt settlement of public accounts, and as to what further legal provisions may be necessary to insure the speedy settlement of those accounts, I have the honor to state that a communication on the subject was addressed by me to the First and Fifth Auditors of the Treasury, copies of whose answers are transmitted herewith.

It will be seen, from the representation of the First Auditor of the Treasury, that all the accounts of the customs for the year 1816 have been reported upon by him, which, with a few exceptions, have been revised and finally passed upon by me; that he is progressing with, but has not yet reported on, the accounts relative to the internal revenue for the same year, a small proportion of the accounts, under which head for the year 1815, recently reported on by him, remain to be revised and passed by this office; and that the accounts of every other description are examined by him as presented, and adjusted with all the despatch which their bulk and nature admit of. These accounts may be comprised under the following heads, viz:

- 1st. Accounts of marshals.
- 2d. Accounts of the Bank of the United States, its branches, and of such State banks as have been designated by that institution, under the act of 3d March last, to perform the duties of the late commissioners of loans relative to the public debt, and to the payment of pensions of invalids.
- 3d. Accounts of the officers under the civil list.
- 4th. Accounts relative to the marine hospital establishment.
- 5th. Accounts relative to the light-house establishment.
- 6th. The accounts of the Treasurer of the United States, for receipts and expenditures of the United States.

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7th. His accounts as agent for the War and Navy Departments.

8th. Accounts of the mint.

9th. Accounts of the Superintendent of the City of Washington, and Commissioner for Public Buildings.

10th. Accounts on the awards by the commissioner for liquidating claims for property lost.

11th. And a variety of miscellaneous accounts.

The accounts of the War Department, comprehended under the head of "Old books," to the 30th June, 1814, and those under the head of "New books," to the 31st December, 1814, and the accounts of the Navy Department to the 31st December, 1813, have been finally acted upon by me.

The First Auditor of the Treasury has reported on the accounts of the War Department for the first and second quarters of 1815, and of the Navy Department for the first, second, third, and fourth quarters of 1814, which are now in my office to be passed upon. He has remaining in his office the accounts of the War Department for the third quarter of 1815, and of the Navy Department for the fourth quarter of 1814, and for the first, second, third, and fourth quarters of 1815.

It results that all the accounts settled by the late Accountant of the War Department, from the 1st October, 1815, to the 3d March, 1817; by the late additional Accountant, between the 29th April, 1816, (the date of the act establishing the office,) and the 3d March, 1817; and by the late Accountant of the Navy Department, from the 1st January, 1816, to the 3d March, 1817, remain to be reported upon by these officers, respectively, and to be transmitted to the First Auditor of the Treasury, after whose revision of them they are to be finally acted upon at my office.

In relation to the representation made by the Fifth Auditor of the Treasury I have to observe, that all the accounts which have been reported upon by him have been revised and passed upon by this office, with the exception of the accounts of the General Post Office. These I have not been able to take up, as I had previously received four quarterly accounts of that Department reported upon by the First Auditor of the Treasury, under the former organization of the Departments. Three of these quarterly accounts have been examined and passed upon by me since the 3d March last, as well as three quarterly accounts of the late Accountant of the War, and three of the late Accountant of the Navy Department, which had also been reported upon by the last-mentioned Auditor.

The following is a concise view of the accounts to be reported upon by the Fifth Auditor of the Treasury, and, of course, to be revised and passed upon at my office, viz:

1. Accounts of ministers, consuls, and foreign agents of every description.

2. Accounts under the Indian Department, in all its ramifications.

3. Accounts of all the postmasters and mail carriers in the United States, rendered quarterly by the Postmaster General.

4. And a variety of miscellaneous accounts.

Besides the accounts already enumerated, the accounts of the land officers, or receivers of public moneys, which are in the first instance examined in the office of the Commissioner of the General Land Office, and reported upon by him directly to me, form a component (and not a small) part of the public accounts coming under my cognizance for revision. These accounts are increasing by the increase of the number of land offices.

In relation to the progress made in their settlement since the 3d March last, the following view of them is communicated, viz:

The accounts of James Findlay, from the 1st January, 1809, to 31st December, 1815, have been finally passed upon.

The accounts of Park Walton, from 1st July, 1810, to 31st December, 1813, have been finally passed upon.

The accounts of John Brahan, from 8th August, 1809, to 31st December, 1813, have been finally passed upon.

The accounts of Samuel Smith, from 1st July, 1815, to 25th May, 1817, have been finally passed upon.

The accounts of Peter Wilson, from 3d November, 1808, to 30th June, 1816, have been finally passed upon.

The accounts of Samuel Findley, from 1st April, 1806, to 30th June, 1815, have been finally passed upon.

The accounts of Edmund H. Taylor, from 1st January, 1812, to 31st December, 1813, have been finally passed upon.

The accounts of Benjamin Stephenson, from 28th October, 1816, to 31st December, 1816, have been finally passed upon.

With reference to that part of the resolution of the Senate which requires information as to what further legal provisions may be necessary to insure the speedy settlement of public accounts, I take leave to observe that, out of the number of clerks appropriated for my office, I have not been able, from the various duties incident to it, to assign more than seven of them for the examination and revision of all the accounts enumerated as coming under my superintendence.

From the nature and extent of the accounts committed to the charge of these clerks, it is impracticable for them to enter into a minute and correct investigation of principles and details, and at the same time progress so fast in the settlements with that accuracy and despatch which the public interest requires, as to bring up the accounts of the office now in arrear.

When the accounts of the internal revenue shall have been finally settled, and the accounts of the late Accountants of the War and Navy Departments, to the 3d March, 1817, shall have been brought up, the number of clerks now employed in my office being put on other accounts appertaining to it, will, I trust, insure a careful, efficacious, and prompt examination of them after that time. But I must take leave to observe that it will be morally impracticable, without more

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clerks, to keep pace with the current accounts, and bring up the arrears of business in the office which existed for many years anterior to my accession to it, (and I speak confidently,) for want of the requisite number of clerks.

Whilst on this subject, I cannot forbear to mention that even after the War and Navy accounts shall have been completely settled up, under the former organization of the Departments, the accounts to be passed upon by me will not have been much diminished, as the accounts to be reported upon by the Fifth Auditor of the Treasury, agreeably to the act for the prompt settlement of public accounts, for expenditures under the head of Indian Department, annuities to Indians, trading-houses with Indians, &c., and the great increase in the Post Office and Land Office accounts, will, in a great measure, counterbalance them.

It may be remarked, too, that since the peace, the revenue business appertaining to my office has been increased to a great extent. This, among other causes, may be ascribed to the change in the system produced by the adoption of a new tariff of duties, the convention with Great Britain, and by recent acts of Congress relative to tonnage duties, &c.

These changes have produced a multiplicity of applications to this Department for decisions on questions arising under the new tariff, the convention, and these acts of Congress.

The correspondence on this branch of business has consequently been swelled beyond all former precedents; another cause for which is to be looked for in the unexampled embarrassments experienced by the mercantile class of the community for some years past. I am fully satisfied, from experience, that the other public avocations of my office will not allow me to devote as great a portion of time to the means necessary to a prompt and rigorous collection of the many old balances due to the Government, and to prevent their accumulation, as the importance of this business requires; for it has been found, by experience, that an extensive and persevering correspondence with the attorneys, marshals, and other officers, and in many instances with the debtors themselves, is indispensably requisite; and this correspondence has hitherto been done almost exclusively by myself. I, therefore, consider it a duty which I owe to the Government as well as to myself respectfully to state that the interest of the public would be materially promoted if Congress would either authorize the appointment of a Solicitor for the Department, (whose duty it should be to attend specially to this business,) or to grant me such an appropriation as will enable me to employ a clerk of the requisite qualifications to attend to it under my superintendence.

I have the honor to be, with great respect, your most obedient servant,

JOSEPH ANDERSON.

Hon. WM. H. CRAWFORD,
Secretary of the Treasury.

TREASURY DEPARTMENT,

Second Comptroller's Office, Dec. 23, 1817.

SIR: In compliance with the resolution of the honorable the Senate of the United States of the 11th instant, I have now the honor to state the progress that has been made in the settlement of public accounts in the War and Navy Departments, under the act "to provide for the prompt settlement of public accounts," to wit:

The accounts relating to the different branches of expenditure in the War Department, including arrearages, which have been adjusted and settled from the 4th March last to the 22d instant, inclusive, amount to - - \$2,390

The accounts relating to the Navy Department for the same period, which have been settled, amount to - - 397

Aggregate of accounts settled - - \$2,787

The number of warrants drawn on account of the War Department for the above-mentioned period, including advances to contractors, &c., is 1,969, amounting to \$6,555,688 97.

The number of warrants drawn on account of the Navy Department for the same period, including advances, &c., is 635, amounting to \$2,679,733 95.

Respecting the progress made and making in the settlement of the several species of accounts, I beg leave to refer you to the reports of the Second, Third, and Fourth Auditors, herewith enclosed.

With great respect, I have the honor to be, sir, your obedient servant,

RICHARD CUTTS.

Second Comptroller of the Treasury.

Hon. WILLIAM H. CRAWFORD,
Secretary of the Treasury.

TREASURY DEPARTMENT,

First Auditor's Office, Dec. 15, 1817.

SIR: In reply to your letter of the 14th instant, I have the honor to state that the settlement of the revenue accounts in this office has been much retarded by the want of warrants to cover payments by the collectors into the Treasury. Those of the customs, however, are now completed to the 31st December, 1816; and those relating to the internal duties and taxes for the same year are fast progressing. The accounts of every other description are examined as presented, and are adjusted with all the despatch which their bulk and nature admit of.

I am, very respectfully, sir, yours, &c.

R. HARRISON.

JOSEPH ANDERSON, Esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT, Dec. 19, 1817.

The Second Auditor, to whom has been communicated the resolution of the Senate of the 11th instant, requesting the Secretary of the Treasury to lay before them information of the progress

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which has been made in the settlement of public accounts under the act "to provide for the prompt settlement of public accounts," and that he also state what further provision may be, in his opinion, necessary to insure the speedy settlement of public accounts, has the honor to report to the Second Comptroller:

That there are, of the current business of his office, but few unsettled accounts, and they are under examination; and that the books of his office have been brought up to the 1st of the present month. That, since the undersigned came into office, numerous accounts to a very considerable amount, in discharge of claims originating in the current business of the office, between 1st July, 1815, and his appointment, have been presented and settled; many others have yet to come in, and he presumes, in the coming year, he will be able to close them all, should they be presented.

It is proper for him to state that, by the division of the office of the Accountant of the War Department, which took place in May, 1816, the additional Accountant then appointed became charged with the arrearages up to the 30th June, 1815. As that arrangement threw considerable business into the office of the additional Accountant, it was thought reasonable that the Accountant should prepare for the Treasury all the quarterly statements which were by law required to be submitted to the accounting officers of that Department for revision, up to May, 1816. In consequence of this arrangement, one of the bookkeepers attached to this office has been exclusively occupied in balancing the books of the Accountant of the War Department and in preparing the quarterly statements. They have been completed to the end of the third quarter of the year 1815, and the statements have been sent to the Treasury.

The undersigned does not think that the balancing of the old books and arrearages in these quarterly accounts properly belongs to this office; but, in order to assist all in his power in the prompt settlement of public accounts, he has thought it his duty to continue the preparation and adjustment of them, though the work militates greatly against the current business of the office, which, to be kept up, ought not to be shackled with any old arrearages.

Under the act of the 3d of March, for the prompt settlement of public accounts, there have been assigned to this office, under the head of military and hospital stores, all accounts relating to the Ordnance Department, including arsenals, armories, materials for mounting cannon, &c.; while to the Third Auditor the accounts of the Quartermaster's Department have been assigned.

This distribution does not tend to the prompt settlement of the public accounts; on the contrary, it retards it. When the Quartermaster's accounts arrive at the Third Auditor's office, he dissects them, and sends to this office such parts as relate to the discharge of all claims originating between 1st July, 1815, and 31st December, 1816, together with all the vouchers appertaining to the Medical and Hospital Department, Ordnance

Department, and contingencies; from which vouchers new abstracts are to be made out in this office.

The making out of these abstracts and dissecting these accounts causes confusion, and creates as much labor as would the whole of the Quartermasters' accounts, were they to be adjusted in this office. The same confusion takes place in many of what are called store accounts. It has been thought expedient, under the act of 3d March, 1817, to charge the Second Auditor with the settlement of the principal part of the accounts of the late office of Superintendent General of Military Supplies, as coming also under the head of military and hospital stores. By this distribution, he is to adjust the accounts relating to ordnance, military stores and equipments, clothing, medical and hospital stores, also quartermasters' stores in the hands of military storekeepers and assistant commissaries. He is to hold officers accountable to the United States for the public property in their possession, to see that all issues are made conformably to law, and upon proper vouchers, and to be able at any time to give a full and explicit statement of the quantity of public property in the possession of officers and at the various depots. Here a like inconvenience occurs as relates to the quartermasters' stores, for the division of these accounts with the Third Auditor is attended with as much trouble as the entire examination and settlement of the whole would occasion; for, owing to the returning officers having for so long a time been accustomed to blend quartermasters' stores with other property, either received or issued, they are frequently embraced in the same invoice or voucher.

These remarks are made to show the necessity of transferring the whole of the quartermasters' accounts from the Third to the Second Auditor. It is proper here to observe that the affairs of this office suffer considerably for want of room for the clerks. The undersigned has five persons in the room with him; the remainder are distributed about the house at a considerable distance from him, and out of the reach of that close inspection which is necessary in the discharge of all public business, and particularly that of the settlement of accounts. Five rooms for the clerks, and a fireproof one for the accounts, are necessary for the proper distribution of the business of the office, and the speedy settlement of public accounts.

Respectfully submitted.

WM. LEE, *Second Auditor.*

R. CUTTS, Esq., *Second Comptroller.*

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TREASURY DEPARTMENT,
Third Auditor's Office, Dec. 22, 1817.

SIR: I have received your letter of the 13th instant, enclosing the copy of a resolution of the Senate of the United States requiring information of the progress which has been made in the settlement of public accounts under the act "to provide for the prompt settlement of public accounts," and requesting me to furnish a statement of the progress made in the settlement of the public ac-

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counts in this office. I have accordingly to state that, so far as it regards the accounts of the current service, confided by the aforesaid act to the Third Auditor, it may be stated that they have been generally rendered and settled for the third quarter of the present year; in some cases, accounts have not been rendered, as late, and in others, where they have been rendered, some explanations and additional vouchers are necessary to a settlement, but they are comparatively small.

Of the other description of accounts confided to the Third Auditor under the act of the 3d of March, consisting of all the accounts of the War Department which remained unsettled at the conclusion of the late war, a great variety, and to a very large extent, remain to be settled. These may be arranged under the following heads:

1st. Accounts of the several States for disbursements made on account of the services of their militia whilst in the service of the United States.

2d. Paymasters and their assistants, and others employed in paying regular troops, militia, and volunteers.

3d. Officers' recruiting and contingent accounts.

4th. Quartermasters' accounts.

5th. Contractors' accounts.

6th. Outstanding claims for supplies during the war, and for arrearages due soldiers discharged, and officers and soldiers deceased, of the regular Army, militia, and volunteers.

1. Of State accounts.

There has not been much progress made in the examination of this description of accounts. Those of the State of Virginia, having been first rendered, were taken up for examination, and, from the great extent of disbursements and vouchers, have necessarily consumed a great length of time in their examination. The accounts are nearly completed. The other accounts remain unexamined.

2. Of paymasters' accounts, and those of their assistants and others employed in paying troops.

There have been but an inconsiderable number of the accounts of this description settled, owing to the preparatory measures necessary. There were turned over to this office for settlement, on the 27th of June, 1816, one hundred and ninety-eight unsettled accounts of persons who had received public money on account of the pay department. It was found necessary, before any of those accounts could be correctly settled, to ascertain, from the investigation of all the payments, the names of the persons who had received public money, that it might be known whether all the accounts had been rendered; this was business of great labor, and was only completed during the last Summer. It resulted that, in addition to the accounts rendered, a large number of persons had received public money who had not rendered any accounts, and others who had only rendered them in part. It therefore became necessary to call upon all such persons, and some of both descriptions have been received, but a number yet remain to be rendered, constituting, in the aggregate, more than three hundred accounts in this Department which re-

mained to be settled on the 3d of March last; of those in the office, fifteen paymasters' accounts have since been settled, and a number have been examined, and only await explanations and some additional vouchers to complete their settlement.

3. Of officers' recruiting and contingent accounts.

There were also turned over for settlement to this office a large number of this description of accounts, and others have been called for and received; a considerable number yet remain to be rendered. Of those in the office, there have been settled, since the 3d of March last, three hundred and seventy-one accounts, but a large number remain unsettled.

4. Of quartermasters' accounts.

There have been settled, since the 3d of March last, eighteen accounts of this description, and a number yet remain to be settled, and others to be rendered.

5. Of contractors' accounts.

There have been settled, since the 3d of March last, seven accounts of this description, and some yet remain to be settled.

6. Of outstanding claims and balances due officers and soldiers, &c.

Of this description of accounts there have been eleven hundred and seventy settled since the 3d of March last; those relating to soldiers' arrearages forming the principal part; and, from the daily applications and the large number remaining in the office, this branch of business may be stated to be yet in a very unsettled state, and will require much time and labor to complete.

Thus the number of settlements made of the accounts of the late war have, in the aggregate, amounted to upwards of seventeen hundred since the 3d of March last.

It may be proper further to add that the books of the office were greatly in arrears on the 3d of March last, and have required the attention of all the force applicable to that object to bring them up to that date: they are not yet completed. This may be accounted for from the circumstance of there being upwards of five thousand accounts open on the books.

From the foregoing view of the business of this office, it will appear manifestly necessary that additional means be afforded to make an impression on the unsettled accounts within any reasonable period; these consist, in the opinion of the Auditor, of an increased number of clerks, and additional room for their accommodation.

The pressing business of the office has prevented an early reply to your letter.

Very respectfully, I am, sir, your obedient servant,

PETER HAGNER, *Auditor.*

RICHARD CUTTS, Esq.,
Second Comptroller of the Treasury.

TREASURY DEPARTMENT,
Fourth Auditor's Office, Dec. 16, 1817.

SIR: I have received your letter of the 13th instant, in which was enclosed a resolution of the

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Senate, requiring the Secretary of the Treasury to lay before them information of the progress which has been made in the settlement of public accounts under the act "to provide for the prompt settlement of public accounts;" and also what further legal provision may be, in his opinion, necessary to insure the speedy settlement of public accounts.

To answer these inquiries, as far as relates to the business of this office, I have observed that it was necessary that all the accounts in the office of the Accountant of the Navy should be closed, and the balances carried forward to the books of this office. This required considerable labor and many separate statements.

In the principal seaports there are navy agents. Applications have been daily made from every section of the Union for balances due to officers or seamen; therefore, whenever these balances have not exceeded one hundred dollars, orders have been given for the amount upon the nearest navy agents to the residence of the applicant. This mode has greatly facilitated business, as these orders will be passed to the credit of the agents upon the settlement of their accounts.

The examination of pursers' accounts is very laborious, and occupies more or less time, according to the length of the cruise of the vessel to which they are attached. Monthly returns of accounts and vouchers have hitherto been required, and will be continued to the end of the present year, from the several navy agents: these have been examined, and settlements made thereof as rapidly as has been consistent with correctness. After the 1st of next January these returns will be made quarterly.

In order that there should not be any unnecessary delay in the settlement of small accounts by claimants residing near to the seat of Government, one of the clerks performs in this office the duties of a navy agent.

Besides the foregoing, there is a deal of current business which it would be difficult to define. What, however, has been noticed, gives full employment. The books of this office are brought up to the 1st day of the present month; and, in future, they will always be in this state of forwardness.

As the new system has been in operation but nine months, it might be presumptuous to pronounce it the best which could be devised; but, so far as it has gone into effect, it has admirably answered all the good expected from it in this office. I should not, therefore, propose any alteration for the present.

I am, with great respect, sir, your obedient servant,

CONST. FREEMAN, *Auditor.*

RICHARD CUTTS, Esq.,
Second Comptroller of the Treasury.

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TREASURY DEPARTMENT,
Fifth Auditor's Office, Dec. 22, 1817.

SIR: I have had the honor to receive your letter of the 13th instant, enclosing a resolution of

the Senate requiring information as to "the progress which has been made in the settlement of public accounts under the act 'to provide for the prompt settlement of public accounts,' and as to what further legal provisions may be necessary to insure the speedy settlement of public accounts."

The law above alluded to assigned to this office the settlement of all accounts appertaining to the Department of State, to Indian Affairs, and to the General Post Office; in addition to which, the unsettled accounts of the late office of Commissary General of Prisoners were attached to it by the Executive. It will be proper to notice them under distinct and appropriate heads.

Of the Department of State.

It has been, and still is, the practice of the Ministers and Consuls of the United States, and of all their other agents abroad, to receive their salaries and other authorized allowances of the bankers of the United States, either at London or Amsterdam, and, on the receipt of the bankers' accounts at the Treasury, to charge the respective persons with the sums they may have received. In some cases no accounts have been rendered by the agents to balance these charges; and, in others, where accounts have been received, they were so imperfect as not to admit of settlement. Thus, individuals have been reported to Congress as public debtors, and the Treasury books been swelled with balances, where nothing was really due. Most of the accounts have been of long standing, and some of them of more than twenty years.

In entering upon the duty assigned me under the law for the prompt settlement of public accounts, my attention was forcibly drawn to accounts of this nature, and every exertion has been made to effect a due and speedy settlement of them. Many of the persons interested, and who are yet living, were in different parts of Europe, or in remote places in the United States, from whom the necessary vouchers and explanations could not immediately be procured. As much progress, however, has been made in the settlement as these circumstances, the current business of the office, and the short period which has elapsed since its organization would admit of, as will be seen by a comparison of the balance list of the present with that laid before Congress the last session.

Of Indian Affairs.

These accounts are of two classes: 1st. Those relating to trading-houses; 2d. Those of annuities to Indians, expenses of agents, commissioners treating with Indians, implements of husbandry, &c.

Upon these accounts, and those of the Department of State, four persons have been employed, and many of the accounts of the second class, involving considerable expenditures, have been adjusted. In those of the trading-houses the same progress has not been made; but I feel confident that, with the application of the same force the ensuing year, the old accounts, both of the Department of State and of Indian Affairs,

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as well as the current business in those branches, will be duly disposed of.

Of the General Post Office.

None of those accounts were settled subsequently to the year 1810. They are rendered quarterly by the General Post Office, and comprise the accounts of about two thousand five hundred post offices, and increase in number as they advance in point of time. Although five persons have been employed on them, yet so extensive and laborious are the examinations and calculations they require, that those gentlemen have been unable to advance with the settlement to a later period than the last quarter of 1812. I do not, however, consider any additional aid in this branch of the accounts necessary.

Of the late office of Commissary General of Prisoners.

Many accounts were received from this office on its termination in March last, some wholly unsettled, and others partially so. Two persons of that office who accompanied the accounts, on their transfer, have been employed in the adjustment of them, under the superintendence of the Fifth Auditor, and it is expected they will be able finally to close them in the first half of the ensuing year.

I have the honor to be, with great respect, sir, your most obedient servant,

STEPHEN PLEASANTON.

The Hon. JOSEPH ANDERSON,

Comptroller of the Treasury.

BOUNDARY BETWEEN KENTUCKY AND TENNESSEE.

[Communicated to the Senate, March 2, 1818.]

To the Congress of the United States of America:

The memorial of the General Assembly of the Commonwealth of Kentucky respectfully represents:

That, for many years past, an unpleasant controversy has existed between this State and the State of Tennessee, relative to the boundary line between them. Many attempts have been made to settle the difference to the mutual satisfaction of both States, but hitherto all these attempts have been unavailing; and, judging from the past, there remains very little ground of hope that the dispute will be adjusted by amicable arrangement and mutual concession. As far back as the year 1801, the Legislature of Kentucky passed an act, the object of which was to ascertain and mark the true position of the boundary line between the two States, according to their chartered limits. This act was repealed at the next session of the General Assembly of this Commonwealth. In the year 1812, the subject was again taken up by the Legislature of Kentucky, and an act passed authorizing the appointment of commissioners, to co-operate with com-

missioners to be appointed on the part of the State of Tennessee, for the purpose of running and marking the boundary line between the two States, according to its true position. This act was predicated on a resolution passed by the General Assembly of the State of Tennessee, the provisions of which were promptly acceded to by this State. It was at this period that the people of Kentucky contemplated a speedy termination of the differences between the two States. Both parties had assented to the same proposition, and public faith seemed to stand pledged to carry into effect the mutual agreement. But this fair prospect was soon darkened by the conduct of the State of Tennessee. The State of Kentucky saw with regret that the State of Tennessee would not abide by the terms which she had at first proposed; she abandoned her own propositions, and, by the departure, defeated the adjustment of the existing difference. The consequence of this conduct on the part of the State of Tennessee was the passage of an act by the General Assembly of Kentucky, in the year 1813, requesting the Governor of this State to communicate to the Executive and Legislature of the State of Tennessee the ultimate determination of our Government on the subject of the boundary between the two States. By this act of 1813 our Executive was requested to solicit from the Government of the State of Tennessee a recognition of the principles contained in the resolutions adopted by the State of Tennessee, in pursuance of which our act of Assembly in 1812 had been passed, and the adoption of the necessary measures for carrying the same into complete operation; and, further, to express to the Government of Tennessee, in case of their final rejection of the overture made by the act of 1813, that the disagreeable necessity of having the contested question of boundary finally settled by a resort to the means pointed out by the Constitution of the United States for the decision of such controversies would be imposed upon the Government of Kentucky. The Government of the State of Tennessee gave no official answer to the communications made in pursuance of the act of 1813. Her failure produced a memorial by the Legislature of Kentucky to your body, asking the interference of Congress, as the last resort for settling the controversy, (all other means having apparently failed,) approved by the Executive of this State February 1, 1814. During the session of the General Assembly of this State in the Winter of 1815 and 1816, the State of Tennessee sent a commissioner to our Government authorized to renew the negotiations between the two States on the subject of boundary. He was heard at the bar of the House of Representatives. The result was the passage of a law on our part, approved February 10, 1816, the provisions of which, in the opinion of this Legislature, are liberal, as it relates to the State of Tennessee. The people of this State waited with much anxiety for the meeting of the Legislature of the State of Tennessee after the passage of the act of 1816. It was hoped that the Government of

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Tennessee would not hesitate to accede to all the propositions contained in our act of 1816; but in this we have been greatly disappointed. It is true that the Legislature of Tennessee took up the subject at their last session, and passed an act concerning it, but its provisions fall very far short of those contained in our act of 1816, and are such as cannot meet with the approbation of this Legislature. This Assembly is constrained to regard the failure on the part of the State of Tennessee to reciprocate the provisions of the act of 1816 as evincing a disposition to delay the settlement of the controversy, unless done upon terms derogatory to the interests and rights of Kentucky; it therefore becomes the imperious duty of this Assembly to appeal to your body as the arbiter, under the authority of the Constitution of the United States, to point out the mode by which the contest unhappily existing shall be decided. The laws which the Legislature of Kentucky has passed on the subject, and to which your body is referred for more particular information, will prove that our State has not been wanting in exertions to have the difference amicably adjusted. It is conceded on all sides that the true line should run on a parallel of thirty-six degrees thirty minutes north latitude. The constitutions of the States of North Carolina and Tennessee both recognise that latitude as limiting their northern boundary; and in this they coincide with the charter of King Charles II. It is presumed that no objection can be made to the establishment of the true line, unless it be on account of the effect it will probably have on individual rights to land lying between the said latitude and what is now called Walker's line, to which, at present, both States exercise jurisdiction. To obviate this objection, the Legislature of Kentucky will be governed by the most liberal principles. If the establishment of the true line should operate so as to give more territory to this State, whereby many persons, now citizens of Tennessee, living on lands title to which they have derived by grant from the State of North Carolina or Tennessee, this Legislature doth pledge the faith and character of Kentucky to ratify all such claims wherever they do not interfere with claims founded on the land laws of the State of Virginia, or of this State; and where they do so interfere, the occupant in all cases shall have the benefit of the laws in force in this State for the time being, made for the protection of occupying claimants, the statute of limitations excepted. The unsettled state of the line is calculated to have an effect in the formation of new counties which bind on it. To particularize all the evils to the State, and especially to those individuals who have claims to land founded on the laws of Virginia and this State, lying within our chartered limits, and who are kept from the enjoyment of those rights by the present exercise of jurisdiction over their lands by the State of Tennessee, would be unnecessary. Nothing short of the establishment of the line between this State and the State of Tennessee, according to its true latitude, will now comport with the

wishes of this Legislature; and as it is a right appertaining to our State, which can only be enforced by the Supreme Court of the United States, acting under the wise provisions of the Constitution of the United States, we ask of your body the passage of a law directing the proceedings in the Supreme Court by which one State, having a subject of difference with another, may have the same legally decided. To effectuate this desirable object, this General Assembly concur in the following resolutions, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the foregoing memorial to Congress be adopted as the earnest prayer of this Legislature.

Resolved, That the acting Governor of the State be, and he is hereby, requested to transmit a copy of this memorial and resolutions, and copies of all laws passed by the Legislature of Kentucky, and all laws and resolutions passed by the Legislature of Tennessee alluded to in the foregoing memorial, to each of our Senators and Representatives in Congress, to be by them laid before that body.

Resolved, That our Senators in Congress are hereby instructed, and our Representatives requested to use their exertions to effectuate the object of this memorial.

Resolved, That the acting Governor be, and he is hereby, also requested to transmit copies of this memorial and resolutions, and copies of all laws and resolutions passed by the Legislatures of this State and Tennessee, to each of the Senators and Representatives of the State of Tennessee in the Congress of the United States.

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to report to the Governor of this State the steps which they may take to effectuate the object of the foregoing memorial, and the result to be by the Governor laid before the next General Assembly.

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An Act concerning the boundary line between this State and the State of Tennessee. Approved December 14, 1801.

Whereas doubts have arisen with respect to the position of the boundary line, or some part thereof, between this State and the State of Tennessee: Therefore,

Be it enacted by the General Assembly, That the Governor of this State be authorized and requested, as soon as he is informed that commissioners are appointed on the part of the State of Tennessee to appoint two commissioners to meet such commissioners, and with them to settle and remove all doubts upon the subject aforesaid, by running and marking the said line, or as much thereof as may not extend within the lands reserved by Congress to any Indian tribe, agreeably to the chartered limits of the States of Virginia and North Carolina; and the commissioners so appointed shall have power to employ a surveyor, and as many hands as may be necessary to carry the same into effect, at the joint expense of both

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States. The commissioners so appointed on behalf of this State shall receive for their services and expenses three dollars per day for every day they may be actually employed in going to, continuing on, and returning from, said line; and shall make report to the Governor of their proceedings as soon as the same is completed; and also certify how many hands were employed, and for what purpose, and what is due to said hands from this State: which report and certificate the Governor shall lay before the next Assembly. And if the proceedings of the said commissioners shall be approved by this State and the State of Tennessee, the line so run and marked shall be the line forever between the said States, unless altered by mutual consent. If any lands claimed under titles derived from the State of Tennessee shall be found, on running the said line as beforementioned, to lie within the limits of this Commonwealth, all such claims shall, as soon as a similar and reciprocal law shall be passed by the Legislature of the State of Tennessee, on behalf of persons claiming lands lying in the said State, under titles derived from this State, be as valid as if they were derived from this Commonwealth. And the Auditor, on the order of the Governor, shall issue a warrant to the said commissioners for any sum not exceeding one hundred and fifty dollars, to enable them to provide for the execution of the business assigned them by this act, and the treasurer shall pay the same accordingly, out of any money in the treasury. The Governor of this State shall transmit a copy of this act to the Governor of the State of Tennessee as soon as possible, who is requested to lay the same before the next Legislature which shall be held for said State.

An Act to repeal the act entitled "An act concerning the boundary line between this State and the State of Tennessee." Approved December 22, 1802.

Whereas it appears to this present General Assembly that the act passed at the last session entitled "An act concerning the boundary line between this State and the State of Tennessee" is defective, inasmuch as it provides that the boundary line between the said States shall be run agreeably to the chartered limits of the States of Virginia and North Carolina, and it does not appear to us that any charter ever was granted describing the limits of the last mentioned States, respectively: Therefore,

SEC. 1. *Be it enacted by the General Assembly,* That the said recited act shall be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted,* That the Executive of this State shall, as soon as possible, send a copy of this act to the Governor of the State of Tennessee.

This act shall be in force from its passage.

An Act to provide for the ascertainment of the boundary line between this State and the State of Tennessee. Approved February 4, 1812.

Whereas it is desirable to have the boundary line between this State and the State of Ten-

nessee run and marked according to its true position: and whereas the General Assembly of the State of Tennessee have passed a resolution at their last session authorizing the Executive thereof to appoint two commissioners to cause to be run and marked the boundary line between this State and the State of Tennessee: wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Governor of this State be, and he is hereby, authorized to appoint two fit persons as commissioners, who shall be, and they are hereby, authorized to meet the commissioners to be appointed on the part of the State of Tennessee under the resolution aforesaid, and then proceed to run and mark said line according to its true position, as it is established by the charter of King Charles II., and recognised by the twenty-fifth section of the declaration of rights in the constitution of the State of North Carolina, and also recognised by the thirty-second section of the declaration of rights in the constitution of Tennessee, beginning on the top of Cumberland mountain, at thirty-six degrees and thirty minutes north latitude, when accurately taken, and from thence to run west a right line in thirty-six degrees and thirty minutes north latitude, so far as not to run into the lands claimed by the Indians.

SEC. 2. *Be it further enacted* That the said commissioners are empowered to employ a surveyor at three dollars and fifty cents per day, and chain-carriers and markers at one dollar per day each, and cause the said line to be run and marked between this State and the State of Tennessee agreeably to the provisions of this act.

SEC. 3. *Be it further enacted,* That the commissioners so to be appointed on behalf of this State are authorized to confer with the commissioners on behalf of the State of Tennessee as to the most advisable plan for quieting the titles to land which may be claimed by the citizens of either State between the boundary line and the line commonly called "Walker's line."

SEC. 4. *Be it further enacted,* That if the commissioners on the part of the State of Tennessee shall fail or refuse to act and proceed with the commissioners to be appointed on the part of this State, or if the Executive of said State of Tennessee should not appoint such commissioners, nevertheless the commissioners so to be appointed on the part of this State may proceed, unless forbidden by the Executive of the State of Tennessee, upon proper observations of the true point and direction of thirty-six degrees and thirty minutes north latitude, to cause the said boundary line to be run and marked so far as not to run into the lands at present claimed by the Indians.

SEC. 5. *And be it further enacted,* That said commissioners shall, for the time they shall be necessarily employed in the said service, each receive the sum of five and a half dollars per day; and that, upon the Governor's certificate of their appointments as commissioners, and of their being ready to proceed to the discharge of the duties herein prescribed, they shall be entitled to

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draw a sum from the treasury of this State, (for which the auditor is hereby required to issue his warrant on the treasurer,) not exceeding six hundred dollars, for the payment in part for a surveyor, chain-carriers, makers, and furnishing the requisite provisions; which latter shall be furnished at the expense of the State.

SEC. 6. *And be it further enacted*, That it shall be the duty of the commissioners to report their proceedings, together with an account of the necessary expenses of said services, to the next session of the Legislature.

An Act concerning the boundary line between this State and the State of Tennessee. Approved February 3, 1813.

Whereas it appears, from the communications made by the Governor to this Legislature at the commencement of the present session, that the Legislature of the State of Tennessee, by an act of their last session, have indicated a disposition to depart from the proposition formerly made by their Government to this, of proceeding by the agency of commissioners mutually appointed on the part of each, and acting in concert together, to ascertain, by correct and scientific observation, the true line of separation between the respective States, agreeably to their chartered limits; and whereas it is deemed by this Legislature that the true interest and sound policy of this State, as well as those of Tennessee, require an explicit declaration of the views and ulterior determination of each other on this point, so important to the cultivation of harmony and a proper understanding between the Governments as well as citizens of two contiguous and friendly States: wherefore,

SEC. 1. *Be it enacted by the General Assembly*, That the Governor of this commonwealth be requested to communicate to the Executive and Legislature of the said State the final determination of the Government of this commonwealth in relation to the ascertainment of the said boundary line, to be in conformity with that evinced by the Government of Tennessee in their proposition to ascertain the true boundary line between the said States, agreeably to their chartered limits as first alluded to in the preamble of this act, and to solicit, in the most respectful terms, from the said Government, a recognition of this principle, and a correspondent determination on their part, with the adoption of the necessary measures for carrying the same into complete operation; and further expressing to the said Government, in case of their final rejection of this overture, the disagreeable necessity imposed upon the Government of Kentucky of having the long-contested question finally settled by a resort to the means pointed out by the Constitution of the United States for the decision of such controversies.

An Act to settle the boundary line between this State and the State of Tennessee. Approved February, 10, 1816.

Whereas a dispute exists as to the true position
15th Cox. 1st Sess.—75

of the boundary line between this State and the State of Tennessee, which has produced many attempts at accommodation hitherto unsuccessful; and the State of Tennessee, by an act of its Legislature, passed on the 17th day of November, in the year 1815, has appointed a commissioner to wait on the constituted authorities of this State, and adopted the principles for adjusting the said boundary line; and although this State cannot meet every proposition contained in the said recited act, and pass one on the part of this State in all respects similar, because, first, the establishment of Walker's line (as it is usually called) would not determine the whole extent of boundary between the two States; and, secondly, because this Legislature is forbidden by our own constitution to form any compact with a sister State, or do any other thing within the purview of legislative authority, which might take from individuals a right of property in lands near the contemplated line, without previously paying the claimants a compensation therefor: yet, the Legislature of this State, being willing to keep open the door of accommodation and adjustment, and feeling desirous that mutual harmony between the two States should not be molested by a territorial controversy, do propose the following terms:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the line usually called Walker's line, so far as it was originally run and marked, to wit, from a point near the mouth of Obed's *alias* Aba's river to the Tennessee river, be the true jurisdictional line between this State and the State of Tennessee; and as to the residue of the line between the two States, the following shall be adopted as the true position thereof: At the eastern extremity of Walker's line, near the mouth of Obed's river aforesaid, a line shall be run at right angles, either north or south, as the case may require, till it reaches the true chartered limits of the two States, in the latitude of thirty-six degrees and thirty minutes north; and from that point the line shall be extended to the east, still keeping the same latitude, till it reaches the eastern boundary of this State. And at the west extremity of Walker's line, to wit, at the Tennessee river, a line shall be extended up or down said river, (as the case may require,) till it reaches the true chartered latitude of thirty-six degrees and thirty minutes north; and from that point the line shall be extended due west, still keeping the same latitude, till it reaches the river Mississippi. And the line so pointed out by this act shall be and remain the true jurisdictional line between this State and the State of Tennessee: *Provided*, The following articles, conditions, and stipulations hereby adopted on behalf of this State, are acceded to on the part of the State of Tennessee, to wit:

First. The lines so pointed out shall be marked or remarked, and well cleared, at the joint expense of each State, by two commissioners, attended with proper surveyors, chainmen, markers, and laborers; and one of said commissioners

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shall be appointed by each State. And, in running that part of the line called Walker's line, the commissioners shall be governed by the old marks, if they can be found, or the most notorious places of the line as now acknowledged, still making the line as straight as can be practicable if the old line shall be found to be crooked.

Second. The true chartered limits between the two States shall be run on that part now supplied by Walker's line, and marked in numerous places, so that hereafter it may be found with ease and convenience, and may furnish evidence of the situation of claims when they shall be adjusted as hereafter directed.

Third. If the true chartered limits in that part of the line supplied by Walker's line shall turn out to be north of Walker's line, and encroach on what is now under the jurisdiction of Kentucky, and any fair connected titles to land derived under the laws of the State of North Carolina or Tennessee, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line, and shall interfere with any title, or cover any occupant holding title under the laws of this State or the State of Virginia, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof from the State of Kentucky, ascertained in a manner pointed out by this act; or such claimants may take any remedy to recover the land which may be most proper for their case; and if, on the contrary, the true chartered limits shall be south of Walker's line, and include a portion of the land now under the jurisdiction of the State of Tennessee, and any fair connected titles to land derived under the laws of the State of Virginia or Kentucky, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line, and shall interfere with any title, or cover any occupant holding title under the laws of the State of North Carolina or Tennessee, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof from the State of Tennessee, ascertained in the manner pointed out by a stipulation between the two States; or such claimants may take any remedy to recover the land which may be most proper for their case.

Fourth. If any claimant holding title under one State shall not elect to take compensation for the land according to the next preceding article, and shall, by any suit in law or equity, recover the land from any occupant holding title under the laws of the other State, he shall be compelled, in a mode pointed out by the laws governing such court where the recovery may be had, to compensate the occupant for his improvements on the land according to their intrinsic value, without any deduction for rents or waste; and for such compensation the occupant shall have a lien on the land so recovered, and shall not be disturbed in the possession thereof till the compensation legally ascertained shall be paid to such occupant.

Fifth. If any claim for land shall fall between

Walker's line and the true chartered limits, and shall come under the jurisdiction, by this arrangement, of the State from which such title did not originate, and shall not be patented when [said] line is thus settled, and shall interfere with a title derived from the State to whom the jurisdiction shall be assigned by this compact, no patent shall ever issue therefor; and all patents issued contrary to this article shall be void.

Sixth. If in the territory ceded by this compact there shall exist any claim between Walker's line and the true chartered limits, which claim shall be regularly derived under the laws of either State or the parent States, and shall not interfere with any other claimant, but shall be on land vacant as to other claims, the same shall be, and is hereby, ratified; and if not completed by patent, provision shall be made by the State into whose jurisdiction it may fall to complete the title by the emanation of the grant.

Seventh. And whereas it is believed that many claims granted for actual settlement under the laws adopted by the State of Kentucky since its separation from Virginia were granted contrary to the true intent and meaning of said laws, without any actual *bona fide* settlement, and that some of them are laid south of what is actually Walker's line; and it is also believed that many removed certificates under the laws of the Commonwealth of Kentucky, originally granted for actual settlement, have been removed and located for speculative purposes south of Walker's line; now it is hereby declared that such claims, where they interfere with any claims derived under the laws of North Carolina and Tennessee, south of Walker's line, are not aided by the provisions of this act, and that the owners of such claims shall not be entitled to any compensation under this compact, provided they fall within the ceded territory, nor shall the State of Tennessee be bound to allow patents to emanate for such claims unless they are entered on land entirely vacant.

Eighth. If any claimant between Walker's line and the true chartered limits shall choose to relinquish his claim according to the first article of this compact, he may produce authenticated copies of his title-papers to any court of general jurisdiction of matters of law and equity in the State of Kentucky which may hold its sessions nearest the lands so to be relinquished, and also to some court of the State of Tennessee which may possess general jurisdiction of matters of law and equity, and which may hold its sessions nearest the lands so to be relinquished; and said courts shall each appoint some discreet person to act as commissioner to value said lands so to be relinquished, if the claim shall come within this act; and said two commissioners shall proceed to appoint and associate with them one other commissioner, and the three being duly sworn before some judge or justice of the peace well and truly to value the land so relinquished according to the best of their skill and judgment without partiality or favor to either party, and without regard to any improvements which may have been made thereon, shall proceed to value

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said lands, and certify the same under their hands and seals; and, on producing said valuation to the court appointing the commissioner in the State where the land lies, and also producing a certified copy of the relinquishment of said land according to the laws of that State where the land may then be, the court shall order the value thereof, so ascertained by commissioners, to be certified, and the same shall be paid out of the public treasury of that State in which the land may be situated.

SEC. 2. *Be it further enacted*, That if the State of Tennessee shall pass a law at or before the next stated session of their Legislature, similar in all respects to this act, the Governor of this State shall proceed to appoint a fit person as commissioner, to run and ascertain the position of the lines directed to be run by this act, who shall receive for his services five dollars per day during the time he shall be necessarily employed in running the lines aforesaid, and five dollars per day for every twenty-five miles he may necessarily travel in going to and returning from the lines aforesaid. The surveyor or surveyors, if any are employed on the part of this State, shall each receive for his or their services five dollars for each day he or they may be actually employed in running the lines aforesaid. And said commissioner shall take an oath well and truly to execute all the duties assigned him by this act to the best of his skill and judgment, and to render a true account thereof; and his services, certified by the Governor, shall be paid out of the public Treasury, by virtue of a warrant from the auditor of public accounts. Each laborer and chain-carrier employed on behalf of this State shall receive as a compensation for his services three dollars per day, to be paid by the commissioner out of any funds which may be placed in his hands by the Governor of this State for that purpose; and the Governor of this State shall have at his disposal, to be drawn from the Treasury at his order, two thousand dollars, to be paid in contingent expenses, for the purposes aforesaid. Each chain-carrier shall be sworn by the commissioners, or one of them, well and truly to carry the chain, and render a true account of the distance. But if the State of Tennessee shall refuse to pass an act similar in its provisions, this act shall cease to operate, and have no force and effect; nor shall any fact or concession therein be binding or obligatory upon the State of Kentucky in any future discussion of the said boundary line, whether that discussion be legislative or judicial.

An Act for adjusting the boundary line between this State and the State of Kentucky.

Whereas great injury may happen, as well to the citizens of the State of Kentucky as to the citizens of this State, from suffering any part of the boundary line between the two States to remain unascertained and unmarked: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line commonly

called Walker's line, so far as the same has been run and marked, shall be considered and taken to be the true line between said States.

SEC. 2. *Be it enacted*, That so soon as the State of Kentucky shall pass a law agreeing thereto, a direct line from the eastern extremity of the line called Walker's line as marked at Cumberland river, to Walker's line at a place called Cumberland Gap, shall be taken and considered the true line between the two States.

SEC. 3. *Be it enacted*, That this State will, provided the State of Kentucky agree thereto, apply to the Executive of the United States to appoint a commissioner to ascertain the true point where the boundary line between this State and the State of Kentucky will strike the Tennessee river on the western bank thereof, and that from said point a line shall be run directly west to the west boundary line of the State of Tennessee, which shall be the line between the two States.

SEC. 4. *Be it enacted*, That the Governor of this State shall have full power and authority, whenever he shall receive information that the State of Kentucky has agreed to the appointment of commissioners to run and mark the lines herein described, to appoint commissioners on behalf of this State, to superintend the running and marking the said lines.

SEC. 5. *Be it enacted*, That, when said lines shall have been run and marked, every grant which may have been issued by the State of Kentucky, and which may cover lands lying south of said line, shall be considered as good and valid as if such grants had been issued under the authority of the State of Tennessee: *Provided, always*, That this section shall not have any effect until the State of Kentucky shall have passed a law containing a similar provision with respect to such grants as may have been issued by the State of Tennessee, and may cover lands lying north of the line.

SEC. 6. *Be it enacted*, That this State shall stand pledged to pay one-half of the expense of the commissioner who may be appointed by the Executive of the United States.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Passed November 24, 1817.

An Act to repeal all laws passed by this State relative to the southern boundary line. Approved January 30, 1818.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws heretofore passed by the General Assembly of this Commonwealth, relative to the boundary line between this State and the State of Tennessee, shall be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That the southern boundary line of this State shall be and remain on a line running west from the top of Cumberland mountain to the Mississippi river,

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in thirty-six degrees and thirty minutes north latitude, anything in any former law passed by this State to the contrary notwithstanding.

STATE OF KENTUCKY, }
Secretary's Office, } *sct.*

FRANKFORT, Feb. 13, 1818.

The foregoing memorial and resolutions, and the several laws annexed thereto, are true copies of all the proceedings and laws passed by the Legislature of this State, and of the last law passed by the Legislature of the State of Tennessee, on the subject of the boundary line between those States.

Attest: JOHN POPE, *Secretary.*

DISPUTED BOUNDARY WITH GREAT
BRITAIN.

[Communicated to the House, April 11, 1818.]

Mr. P. P. BARBOUR made the following report: The committee to whom, by a resolution of the House of Representatives of March 27, 1818, were referred the President's Message and accompanying documents upon the subject of the expenses incurred under the fourth, fifth, sixth, and seventh articles of the Treaty of Ghent, with instructions to inquire into the nature and causes of said expenses, and into the principles upon which the Commissioners under the sixth and seventh articles of said treaty have proceeded in the execution thereof, report: That they have endeavored, as far as they have been able, to investigate the subjects which have been confided to them, and now beg leave to present to the House the result of their inquiries. They will begin with the sixth and seventh articles first, though last in numerical order, because their attention has been much more particularly called to them, and they have had more evidence before them in relation to these articles, upon which they feel it to be their duty to make a detailed report.

The sixth article, in substance, authorizes the commissioners, by a report or declaration under their hands and seals, to designate the boundary from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Catagauy, through the said river, the Lakes Ontario, Erie, and Hudson, through the water communications between said lakes, and to the water communications between Lake Huron and Lake Superior; and to decide to which of the two contracting parties the islands lying within the said river, lakes, and water communications do respectively belong, in conformity with the true intent of the treaty of 1783, by which it was provided that this whole line should uniformly pursue the middle of these waters.

The seventh article authorizes the same commissioners to fix the boundary line from the water communication between Lakes Huron and Superior, to the most northwestern point of the

Lake of the Woods, and to decide to which of the two parties the several islands lying in the rivers, lakes, and water communications forming said boundary do respectively belong, in conformity with the treaty of 1783, and to cause such parts of said boundary as require it to be surveyed and marked. It further requires the commissioners to designate the boundary aforesaid, to particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of said boundary as they may deem proper. These are the duties to be performed. In relation to the manner of their performance, the committee refer to the letter of General Peter B. Porter, the American commissioner, to the Secretary of State, under date of November 3, 1817, marked F;* to a statement in writing of the same gentleman presented to the committee, under date of April 3, 1818, marked G; and to an affidavit of David P. Adams, the astronomical surveyor, marked H; all of which are annexed as a part of this report. The letter and statement of General Porter describe in general terms the manner in which the commissioners proceeded to ascertain the boundary line, but the affidavit of Mr. Adams goes into a minute description of it; from that it will be seen that an accurate survey of the line was considered necessary, and the plan which was adopted was this: a connected series of triangles was arranged throughout all the various channels, and an entire concatenation of them was preserved along the whole extent of the work, being somewhat more than forty miles in extent, executed the last year; all the angles were carefully measured and verified at their respective stations; likewise all the angles of the incurvation and excurvation of the intermediate coast of water lines were minutely measured for the purpose of plating the shores with exactitude. It is obvious that this course must be extremely slow in its execution, and must involve an immense expense; and, consequently, if any mode could be devised which would answer the proposed purpose, and at the same time be much cheaper, and require much less time for its execution, it would be highly desirable. General Porter, in his letter and statement before referred to, goes into reasoning to prove the propriety of the course adopted; he considers that the line cannot be correctly designated but by a map; that, being a water line, it must be delineated by relation to the shores and islands, and that this cannot be done but by actual survey. That the mode adopted is the most precise and accurate one, cannot be questioned; but the committee, though they are not conversant with such subjects, are decidedly of opinion that the accuracy and precision which are produced by the course pursued are not necessary to designate the boundary; they further are impressed with a belief that a map is not required for that purpose, and that even surveying is not necessary, unless in

* This and all the papers subsequently referred to have been omitted.

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particular situations. Although the treaty of 1783 fixes upon the middle of the river, lakes, &c., as the line, yet it would seem that it must have contemplated the middle of the best navigable channel; otherwise, in pursuing the precise course of the middle, islands would frequently be separated into parts, and one part belong to each of the Governments; and, further, the right of navigation of each would be impaired, if not destroyed, by the line crossing the navigable channel. If this idea be correct, the great subject of inquiry would be to ascertain the best navigable channel; and this, it seems to the committee, might be done by observation, and sounding the depth of the water: all the islands which had names of notoriety might be described by their names; and where they had not such names, monuments might be erected upon them, and, if thought necessary, monuments might also be erected upon the land opposite to them, and their relative position, as well as distance from the shore, might be ascertained by survey. This system, if it would answer, would save much time and money; for, to proceed in the same manner, and with only equal speed, as was done last year, would require a long series of years to complete the work. Mr. Adams states, indeed, that, from the changes which he understands are proposed in the mode of proceeding, they will be able to proceed the next year with double the celerity; and General Porter, in his statement before referred to, expresses the opinion that as the last year was one necessarily in some degree of projection and experiment, and as they have determined to change the mode of proceeding, in the manner pointed out in his statement, they can, with not much increase of expense, proceed with three or four times the speed, and, after passing the St. Lawrence, in which there are many obstructions, with rapidity; but, even with all these changes and improvements, there is no comparison between the mode adopted by the commissioners and that suggested by the committee (if it will answer the purpose proposed) in point of expense, and the time necessary for the completion of the work. The committee are disposed to think that the treaty did not contemplate a map of this boundary, from this circumstance—that the fifth article requires the commissioners to make a map of the boundary therein mentioned, whereas there is no such provision in the sixth and seventh articles. The committee differ in another respect from the commissioners in regard to the manner of executing their duties; they seem to have thought that, with a view to the complete execution of those duties, it was necessary for them to attend in person, and superintend the survey. The committee are disposed to think that, whatever course should have been pursued in order to get the necessary evidence upon which to settle the boundary, whether by survey or otherwise, the commissioners constitute a court whose business is to decide, and that it belongs to the agents to furnish the facts for decision; they, however, do not mean to say that the commissioners may not direct the agents'

attention to such points as they may deem necessary, nor that they might not, in particular cases of difficulty, make actual personal observations. This opinion results from what they consider a correct construction of the treaty. The sixth and seventh articles have reference to and adopt the provisions of the fourth, in relation to the oath and duty of the commissioners: by the fourth it is provided that they shall be sworn impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them by the part of His Britannic Majesty and the United States, respectively. After the board of commissioners was organized, a difference arose between them and Samuel Hawkins, agent of the United States, in relation to the boundaries of the respective Powers. The views of the agent, together with his reasons, will be seen by reference to three documents herewith referred to, and numbered from 5 to 7, both inclusive: the first, a remonstrance presented by the agent of the commissioners the 29th May 1817; the second, a statement addressed to the Secretary of State the 26th February, 1818; and the third, a statement presented to the committee under date of the 2d April, 1818. As connected with this part of the report, the committee also refer to a correspondence between the agent and Secretary of State, numbered from 1 to 4, inclusive. The views of the commissioners will be seen by a reference to a document marked R, June 24, 1817. The committee being referred to the precedent under the treaty of 1794, sought information in relation thereto from the State Department. The information obtained will be found in the letters from that Department, marked L and N; from the latter of which it appears (the first not being considered sufficiently precise) that the commissioners did personally inspect the rivers respectively alleged to be the St. Croix of the treaty of 1783; but they did not attend at the actual astronomical surveys and the projection of the maps. It ought to be remarked that, for some time after the board was organized, no agent was appointed on the part of Great Britain.

As it respects the principles upon which the commissioners have proceeded, (if thereby be meant the rules of decision by which, as general principles, the individual questions of doubt and difficulty are to be determined as they may occur,) it cannot perhaps be said that any have been solemnly decided. The only information which the committee have will be found by a reference to a part of the document marked G, (General Porter's statement,) that, though the commissioners have had full and frequent conversations as to the principles by which they should be guided in certain hypothetical cases which might arise, yet they have never adjudicated or settled any abstract principles; and he does not feel himself at liberty to give to the committee, as such, the incidental conversations above alluded to.

We come now to the expenses incurred in the execution of the sixth and seventh articles. The document marked E shows the aggregate amount

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to be \$35,283 53½, composed of, first, commissioner's compensation for two years \$8,888; secondly, the proportion of the United States, that is, one-half of the contingent expenses, which proportion is \$10,357 39½; thirdly, agent's account for two years' salary and contingent expenses, \$16,038 14.

The compensation of the commissioner is provided for in the eighth article of the treaty, by declaring that the commissioners shall be paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of the treaty. The document K shows an agreement between the United States and the British *Chargé d'Affaires*, declaring the principles of the payment of the commissioners to be the same as under the treaty of 1794, that is, the expense to be equally borne; but it does not fix the amount. It appears, however, by a letter from the Secretary of State, (marked L,) to be understood that the American commissioners are entitled to £1,000 sterling.

As to the contingent expenses, the eighth article of the treaty provides that all other expenses (after having provided for the payment of the commissioners) attending the commission shall be defrayed equally by the two parties. The document marked C shows the whole amount of the United States' share of the contingent expenses, and that, together with the one marked M, exhibits the several items composing that amount. From an examination of these, it will be seen that \$6,580, part of the \$10,357 39½, goes to the salaries and wages of assistant secretary, surveyor, and others employed. The treaty recognises the appointment of a secretary by name, but not of an assistant secretary; and though it authorizes the employment of such surveyors and other persons as shall be judged necessary, yet the committee incline to the opinion that these words do not include the idea of any distinct office; of this, however, the House will judge for themselves. If their idea as to the assistant secretary be correct, then his salary of \$2,200 may be saved; and if their opinion also be correct as to the practicability of ascertaining the boundary without actual survey and map, then there would be a very great saving in the other items of the wages and expenses of persons concerned in the survey. According to the opinion of the committee, that part of the expenses which are personal to the commissioners is not properly chargeable to the Government. It is for the House to determine what influence the precedent under the treaty of 1794, hereafter mentioned, shall have as to the expenses of a passage to the river to be decided on. As to the residue, as the document C presents them in minute detail, the House have upon the subject all the information which the committee have. General Porter considers that he was referred by the Government generally to the proceedings of the commissioners under the treaty of 1794 for precedents, and he was of opinion that the precedent of those commissioners justified the charge

of his necessary personal expenses. In relation to the opinion of the Government that the commissioners would pursue the rules established in 1794, see letter from the Department of State, No. 4. The committee have procured from that Department one letter (marked L) of the 3d April, 1818, and another (marked N) of the 8th April, 1818; the first of these states, in general terms, that no allowance was made to the commissioners for their personal expenses in addition to their salaries; the second letter states that the commissioners did allow themselves the contingent expenses of their passages by sea between the United States and the British provinces, which became necessary for the execution of their duties, and that no other personal expenses appear to have been allowed to them.

As to the expenses of the agent, the statement before referred to (marked E) shows the whole amount of the agent's account, consisting of two years' salary and contingencies, to be \$16,038 14. The account D, therein mentioned, shows the items of which it is composed. Those items are, first, two years' salary, at \$4,444 44, equal to \$8,888 88; secondly, one year's salary paid the secretary of the agency, \$1,000; thirdly, contingent expenses thus charged: "For expenses for myself, Major Roberdeau, boatmen, chainmen, flagmen, &c. on an exploring excursion from St. Regis to Lake Superior, audited in March, 1817, \$3,258 12;" (see document O;) and fourthly, contingent expenses thus charged: "To amount of expenses for agency for 1817, as per account, \$2,891 14." The particulars of the audited part of the contingent expenses do not appear before the committee other than as above stated; but as to the other charge for contingent expenses, to wit, the \$2,891 14, not yet audited, (as is believed,) there is a paper before the committee purporting to be an account of them, though not signed by the agent, from which the particulars appear. (See that paper, marked P.) It appears also, from a document marked Q, (an audited account,) that \$428 was allowed to Major Isaac Roberdeau as topographical engineer on the exploring party with the agent. The agent considers himself entitled to a salary of £1,000 sterling for the following reasons: he says in his statement (No. 7) that in 1816 the then Secretary of State (Mr. Monroe) assured him his salary should equal that of the British agent; that, though in the formation of the register under a resolution of Congress the sum of \$3,000 was set against his name, he was assured by the Department of State that it was not intended by that act to settle the agent's salary. He refers in his statement to the letter of Mr. Rush, then Secretary of State, (No. 4.) in which it is said that it is the wish of the President that his salary should ultimately be equal to that of the British agent, should that exceed \$3,000, at which his was then for the present fixed. He states, further, that the State Department having learned that the British agent received £1,000 sterling, both under the treaty of 1794 and that of Ghent, the accounting officer of that Department informed him his salary was fixed at

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that sum; and, finally, that the agent's salary under the fourth article has been actually fixed at that sum. These are the grounds of his claim; they are submitted to the House. The committee would have doubted much the power of the agent under the treaty to appoint a clerk; the letter, however, from the Secretary of State (No. 4) authorized him to do so, at a salary of \$1,000, which is what has been paid. (See also the agent's reasoning as to the necessity of one in his statement No. 7.) As to the residue of the expenses attending the agency, the committee have presented all the evidence in their possession to the view of the House; they will only add that, by the letter from the Secretary of State, (No. 2,) dated 8th July, 1816, the scheme of exploring the whole boundary in dispute, taking an accurate view of each island, the depth of the water, &c. is approved.

In the progress of this inquiry, two intimations were given to the committee, which they thought it their duty to investigate, to wit: 1st. That Gen. Porter was interested in the islands of the St. Lawrence; 2d. That he had acted improperly in the disbursement of a part of the money which the Government had advanced him towards paying the expenses of the commission. As it respects the first of these subjects, (that is, the interest of General Porter in the islands, &c.,) the committee have examined every person who was suggested to them as probably knowing anything in relation to it. The various statements subjoined to this report, and sworn to, marked S, T, U, and V, contain the whole of the evidence. From this, the committee are satisfied that General Porter is in nowise concerned or interested in any island in the St. Lawrence; nor is there any proof that he has any interest in any but one upon the whole boundary line, to wit, in the Niagara; and it seems that there is some doubt whether that belongs to him or his brother, (see document marked V, Ogden's evidence;) and this island is, perhaps, three hundred miles above where they have been surveying. The mistake most probably occurred in this way: Mr. Ogden, of the House of Representatives, lays claim to many of the islands in the St. Lawrence. He also claims a large tract of land on the main land in New York, having no island attached to it, in which General Porter is concerned. It appears that these two speculations have been confounded, and that the rumor of General Porter being concerned in the island speculation has arisen from the circumstance of his being concerned in the other. (See Hawkins's affidavit, marked W; Delafield's affidavit, marked T; Ogden's affidavit, marked V; and Adams's affidavit, marked U, in relation principally to this point.)

As to the subject of the money, the document marked W (the evidence of Samuel Hawkins) contains all the information which the committee have got on that subject. From this it appears that the money advanced by Government to General Porter was in a draft on the Branch Bank of New York; that General Porter paid Mr. Hawkins \$1,000, in New York, in Buffalo Bank notes,

which were at about three per cent. discount; and that he paid, for provisions and other purposes of the commission, those and other notes of the interior, during the last season. But the witness states that the Buffalo Bank was a specie-paying bank; that its notes were generally current and at par on the frontier; and that the discount in New York was probably owing to the risk and expense of transporting specie; and, further, that he does not know that General Porter is interested in the bank; and that he could not suppose General Porter had deposited the money in the Buffalo Bank for his individual interest. General Porter himself states that he had been interested in the Buffalo Bank, but that he had sold out his interest some months before the transaction above-mentioned, and that he in no shape derived, or expected to derive, one cent of profit. He states, further, that he drew on New York, on his own account, and received the notes of the Buffalo Bank; that he expected to expend the money on the frontier, where they were at par; and that he did not know they were at a discount in New York. Upon the whole view of the subject, the committee are decidedly of opinion that he derived no advantage from the transaction. As it respects the other articles of the treaty, the resolution requires the committee to investigate the nature and causes of the expenses incurred under them.

The fourth article, in substance, requires the commissioners, by a declaration under their hands and seals, to decide to which of the contracting parties the islands in the bay of Passamaquoddy, and the island of Grand Menan, in the bay of Fundy, respectively, belong, in conformity with the true intent of the Treaty of 1783. Under this article, the documents E and A show the amount of the accounts settled at the Treasury to be \$10,406 04, consisting of the compensation of the agents from 11th April, 1816, to 11th December, 1817, at \$4,444 per annum, amounting to \$7,407 40, and the United States' proportion of the contingent expenses, \$2,998 64; and the document X shows the amount of the compensation claimed by the commissioner to be \$8,172 48, being the sum which would be due to him, at the rate of \$4,444 44 per year, from 16th January, 1816, to 17th November, 1817, inclusive, of which \$4,500 has been paid him. Adding the commissioner's claim to the other gives the total amount of the expense to the United States under this article, to wit, \$18,578 52. With regard to the commissioners and agents' salaries, it is presumed they will both stand on a common footing with the same officers under the other articles; and, therefore, the remarks already made apply to them. As to the contingent expenses, see the document No. 8, showing them in detail. As far as any of these expenses can be considered personal to the commissioners, the committee would object to them as not being allowable; and, indeed, the commissioners themselves did not intend to charge them, as appears from a letter of Mr. Holmes, the American Commissioner, marked AA. Amongst those which devolve on the Gov-

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ernment, in that letter, are mentioned the chartering of a vessel to examine the islands, room for commissioners, secretary and clerk's pay. As to the pay of the secretary, it certainly is chargeable to the Government. As to the clerk's pay, that also would be chargeable in like manner, if the commissioners had authority to employ them. The words of the eighth article are, "that they may employ such surveyors and other persons as they shall judge necessary." As to the necessity for their employment, and the amount of compensation paid them, see the statement of Mr. Holmes, American Commissioner, marked BB, as also his letter already referred to, satisfactorily showing that economy was consulted by their employment. As to the expense of the passage to the islands, the committee would have thought that not properly chargeable; but the commissioners are justified, not only by the precedent under the Treaty of 1794, (see letter from State Department before referred to, marked N,) but also, as appears from the letter of Mr. Holmes, marked AA, by the authority of the Government. He states that he chartered a vessel by order of the Government. As it relates to the room, the question is submitted to the House.

The fifth article of the treaty, in substance, requires the commissioners to ascertain the northwest angle of Nova Scotia, and the northwestmost head of Connecticut river; and to cause to be surveyed that part of the boundary line which extends from the source of the river St. Croix, directly north, to the northwest angle of Nova Scotia; thence, along the highlands which divide the waters of the St. Lawrence and Atlantic, to the northwesternmost head of Connecticut river; thence, down along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west on said latitude, till it strikes the river Iroquois or Cataraguy. In relation to the expenses incurred under this article, it is not in the power of the committee to give the House as precise information as they could wish. All which they possess themselves is contained in the document marked B; from which it appears that the aggregate amount of all the expenses under the fifth article is \$27,854, consisting of a charge for commissioner's salary of \$8,888, being two years at \$4,444, per annum; agent's salary for one year \$1,444; United States' proportion of secretary's salary \$1,111; salary of principal surveyor, \$1,500; and a charge thus stated: "the pay to the assistant surveyor, the necessary number of chain bearers, provision carriers, and other men, expense of instruments, supplies of provisions and other necessary articles, transportation to and from New Brunswick, and other necessary contingent expenses on the part of the United States, in the whole, about \$11,911." It will at once be seen that there is not sufficient detail in this on which to form an accurate opinion. It is proper further to state that this is only an estimate of what the commissioner supposes it will be; it has, as yet, not been passed by the board. (See reasons assigned in the document B.) The committee having stated the nature

and amount of the charge, the House have the same means of forming an opinion as themselves. They will remark that, during the inquiry, they have heard what gives them an unfavorable impression as to the despatch and economy which attended the execution of this article during the last year; but that which they heard could not itself be used as evidence, and the person from whom it is said to have come is not within the reach of the committee; they doubted the propriety of mentioning it, but they thought the House ought to have even the intimations which were given them. The committee have now presented as full a view of this subject as the evidence before them enabled them to do; they have felt some difficulty in deciding how to attain the object which they have in view; they have, however, finally determined to recommend to the House the adoption of the following resolution:

Resolved, That the President of the United States be requested to arrange with the British Government some mode of designating the boundary line under the sixth and seventh articles of the Treaty of Ghent, which shall require less time and expense than the one which the commissioners have heretofore pursued.

IN THE HOUSE OF REPRESENTATIVES, U. S.

April 14, 1818.

Ordered, That the Committee of the whole House be discharged from the further consideration of the report of the select committee appointed to inquire into the expense incurred under the fourth, fifth, sixth and seventh articles of the Treaty of Ghent, and that the same be referred to a select committee.

Ordered, That Mr. Taylor, Mr. Williams, of Connecticut, Mr. Claiborne, Mr. Rich, Mr. Morton, Mr. Sherwood, and Mr. Ballard Smith, be the said committee.

Attest: T. DOUGHERTY, C. H. R.

The select committee appointed under a resolution of this House of the 14th of April, 1818, to whom was referred a report of the committee raised to inquire into the expenses incurred under the fourth, fifth, sixth, and seventh articles of the Treaty of Ghent, have had the same under consideration, and report:

That they have not attempted to re-examine the various matters detailed by the said committee, but have endeavored to ascertain the cause of the unfavorable impression mentioned in the following sentence, extracted from the last page of that report: "They [the committee] will remark that, during the inquiry, they have heard what gives them an unfavorable impression as to the despatch and economy which attended the execution of this article during the last year; but that which they heard could not itself be used as evidence, and the person from whom it is said to have come is not within the reach of the committee; they doubted the propriety of mentioning it, but they thought the House ought to have even

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the intimations which were given them." The committee find that the communication referred to in the foregoing sentence is contained in the letter of Charles Turner, jun., addressed to a member of this House, which, together with a letter of that member, addressed to the chairman of the said committee, is hereto annexed, for the purpose of being considered part of this report. The following resolution is respectfully submitted:

Resolved, That the select committee be discharged from further considering the said report.

WASHINGTON, April 13, 1818.

DEAR SIR: In consequence of having mentioned to you the other day a part of the contents of this letter, and observing that it was confidential, it was unexpectedly intimated that the committee would expect to know the contents. I was aware that the letter was confidential, but on your request I attended before the committee and read the letter, concealing the name. The report in relation to the subject requiring, as you think, explanation, and you and I agreeing that the facts contained in the letter are somewhat important, by your request I am constrained to deliver you the letter.

As you have a right to demand it, I cannot be accused of a breach of confidence. I do not see, however, that the letter implicates the American Commissioner.

I am yours, respectfully,

J. HOLMES.

SCITUATE, MASSACHUSETTS,
March 26, 1818.

HONORED SIR: At the time I (probably by your friendship) was requested to attend to the lines under the fifth article of the Treaty of Ghent, I was requested to give my opinion upon the arrangements suggested by the agents for progressing in the business. The route prepared for us to get to the mark, with necessary provisions, I knew to be very difficult, and attended with so many embarrassments as would probably consume the season in getting with our baggage to the place of beginning, viz: the monument at the source of the Schaudie, *alias* St. Croix; in this I was supported, though unknown to me, by the opinion of the British surveyor at St. Andrew's, although we were three hundred miles apart, and had no acquaintance, having never seen each other; he, however, had no opportunity to convey his ideas to the agents, but must prepare boats, &c., to be ready on my arrival. I had the good fortune to convince the agents of the impropriety of attempting that route, a distance of seventy to a hundred miles, up a small river, full of falls, rapids, and shoals, and the water would fail us seven to ten miles short of the monument; whereas, by going up St. John's river, we went with the whole company and the whole of the baggage in flat-bottomed boats that would carry ten tons each, without unloading a single article until we were within ten miles of the line, and a passable wagon-road to the line, and we should strike the

line about ten miles in advance of the place of commencement. But I was not so successful as to some other things in which I was requested to give an opinion. I suggested a diminution of the number of men, from an apprehension that more were proposed to be employed than could be advantageous; that they would stand in each other's way; that a less number would probably make greater progress; that employing so many men for chainmen, flag bearers, and instrument carriers, did not appear to me to be advantageous; that, to employ so great a number of axemen or laborers, under an idea of their carrying provisions for the company, in a country where pack-horses could not be made use of, did not amount to much, for they must eat as well as those for whom they carried provisions; that several men belonging to the United States, settled near the line north of the monument, might be hired as cheap as in any other part of the United States. I requested the sort of provisions which I, from experience, had found best calculated for such business, viz: principally pickled or salted pork of a good quality; hard, commonly called ship bread; perhaps a little good beef; dry pease or beans; a little molasses; black tea; some small quantity of rum, and small articles of very inconsiderable value, such as pepper, mustard, ginger, &c. But to all these suggestions I was answered that this was business done by the two Governments, and that they would not probably wish men to be too much exposed or outdone; they would willingly furnish all things needful and comfortable, &c.; and suggested that they had made arrangements satisfactory to themselves; in these respects intimating, at least, that I might be silent. I took the hint; but I also knew that somebody would eventually be blamed, and it would as probably fall on me as on any others. From the appearance of things in Boston, I apprehended that whoever undertook the running and demarcation of the line would not be allowed to proceed in it to cross St. John's river, (which I knew the line would cross,) and consequently interrupt their line of communication between the provinces of Nova Scotia, New Brunswick, and Lower Canada, which those employed by the British Government perhaps did not know, or were at least unwilling should be the case. This apprehension I suggested at the time, and it was in my mind confirmed by every step taken; first, by putting the cart before the horse, or, in other words, employing the principal surveyors, with all the instruments, to go forward and explore the country, leaving the assistant, by them (the British) called deputy surveyors, with incompetent instruments, to perform the important service of settling the true line; by increasing the expense at every possible stage, thereby, in my opinion, to discourage the American Government from pursuing the business; and by delays in various shapes to prevent the establishment of the line so far as to cross St. John's river. Shall I say every little intriguing artifice was made use of to prevent a rational progress, and to swerve us from the direct pursuit of the business? This, however,

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will be denied; but it is not so easy to deny the expense, because the Government will have something to do in that business.

When Mr. Campbell and myself were left by the surveyors general and principal surveyors, they furnished us with a single theodolite, incorrect in construction; but it was a great while before I could convince Mr. Campbell of its incorrectness. He alleged the instrument had been procured by a gentleman of astronomical ingenuity in the province; that it came from the best factory in London; that he had full confidence in its correctness. I invited him to join me in making some sideral observations, to test the correctness of our work, or the correctness of the instrument. This he declined, alleging that the surveyors general had taken all the responsibility on themselves, by fixing, as they termed it, a true meridian line, and given us our directions for the prolongation of it; had ordered their initials to be placed on the monument, and on every milestone or post; that, therefore, he should take no responsibility on himself; and said he had made a declaration to Colonel Baughettu to that effect. I observed to him that I felt my personal reputation at stake; that it was incumbent on us to see that our line was correct, and, if erroneous, to put it right; and asked if he had any objection to my making use of the instrument in making observations of the stars, &c. He said he had none, and would join me as a mere matter of amusement, but not with a view to correct a line which he was satisfied with, or to attempt to rectify an instrument in which he had full confidence. As soon as the weather would admit I made some observations, but so unsatisfactory in the result that I could not determine whether the line was erroneous, or the amount of the error, if any. Although I was not satisfied of the correctness of the instrument, or of the latter part of the line, I doubted the propriety of taking on myself the responsibility of discontinuing the work until I could convince Mr. Campbell of the incorrectness. Having at length succeeded in this, we left the line, and proceeded home, and to discharge the hands as fast as possible. Had we had competent instruments, and pursued the line twenty days longer, as we contemplated, we should have added much to that line. Whether the business will be resumed, and proceed in the present year, I have not learned. I think it but just to state that it ought to be done with more economy; which it might be, without the Government being chargeable with parsimony. I apprehend some new arrangement will be proposed and adopted; and, from various circumstances, I am induced to believe I shall have leave to retire. I think somebody must be left out of the business, and perhaps it is best those should be left out who disturb the quiet of those concerned; I am, however, conscious that I have obtruded my opinion on none, when it was not asked. I know, sir, I am treading on hallowed ground. I know that I have no right to suggest that the measures pursued by those appointed by the Government are not the best. I have sug-

gested some thoughts to the American agent, perhaps with too much freedom.

I have, sir communicated these thoughts and facts for your information, trusting you will consider them as confidential, that you may know something of the matter, and be able to make use of any suggestions that I have made; while, at the same time, I am not to be understood as complaining against any gentleman acting under the American Government in the business. I can only regret that I am liable to be made the scapegoat to bear the sins of the people.

We learn that your session is drawing towards a close, and you will soon be allowed to visit your agreeable family.

Accept, sir, the respects and best wishes of your humble servant,

CHARLES TURNER, Jr.

HON. JOHN HOLMES.

Estimate of the expenditures under the fifth article of the Treaty of Ghent, in the years 1816 and 1817.

MARCH 3, 1818.

| | | | | |
|--|---|---|---|---------|
| Commissioner's salary, two years, not yet fixed, but say \$4,441 per annum | - | - | - | \$8,882 |
| Agent's salary, one year, (no agent having been appointed in the year 1816) | - | - | - | 4,444 |
| Salary of the Secretary of the board, one year | - | - | - | \$2,222 |
| Deduct the share of the British Government | - | - | - | 1,111 |
| | | | | 1,111 |
| Salary of the principal surveyor on the part of the United States | - | - | - | 1,500 |
| The pay to the assistant surveyor, the necessary number of chain bearers, provision carriers, and other men; the expense of instruments; the supplies of provisions and other necessary articles; the transportation to and from New Brunswick, and other necessary contingent expenses on the part of the United States, in the whole about | - | - | - | 11,911 |
| | | | | 27,854 |
| Paid by the United States | - | - | - | 14,444 |
| Balance | - | - | - | 13,410 |

The accounts which are in this statement estimated at \$11,911 will be examined and adjusted by the commissioners at their next meeting, which will be about the 1st of May next. The amount, it is believed, will not materially vary, though it may prove something more or less.

Several of those accounts have accrued in the province of New Brunswick, and under the superintendence of the agents and surveyors. The British agent and surveyor reside, the former at St. John's, in New Brunswick, and the latter at Quebec, in Canada; and it was not possible, after the surveyors discontinued their work last Fall, for the board of commissioners and the other persons concerned to convene and close the accounts of the year. Nor was it considered necessary to

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meet during the Winter merely for that purpose, when it had been agreed to hold a meeting of the board about the 1st of May next, to receive the surveys made the last year, and to give the necessary instructions to the surveyors for the present year.

It is contemplated to commence this Spring the latitude line from Connecticut river to the river Iroquois, commonly called St. Lawrence, and at the same time to continue the survey commenced last year on the eastern part of the boundary line. This will, of course, render the business of the commission more expensive than the last year, but it will sooner bring it to an end, by which the Government will ultimately save money. By deducting from the foregoing estimate the salary of the commissioner for the year 1816, the residue is \$23,410, which is the amount of all the expenses, including salaries for the last year. Some of those expenses, being peculiarly incident to the commencement of an undertaking of this kind, will not again be incurred; of course, the amount required for continuing the survey at the eastward will be less for the present year than it was the last.

I am, therefore, of opinion that the sum of \$25,000 will be sufficient for all the necessary purposes, under the fifth article of the treaty of the present year, including the labor to be done, both on the northern and eastern parts of the boundary line designated in that article of the treaty.

Respectfully submitted.

C. P. VAN NESS.

Hon. WM. LOWNDES, *Chairman, &c.*

CLAIM OF CARON DE BEAUMARCHAIS.

[Communicated to the House, January 16, 1818.]
To the Senate and House of Representatives:

The claim of the representatives of the late Caron de Beaumarchais having been recommended to the favorable consideration of the Legislature by my predecessor, in his Message to Congress of the 31st of January last, and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it, received by the Secretary of State from the Minister of France, and of correspondence on the subject between the Minister of the United States at Paris and the Duke of Richelieu, enclosed with that representation.

JAMES MONROE.

WASHINGTON, Jan. 12, 1818.

To the Senate and House of Representatives of the United States:

The Envoy Extraordinary and Minister Plenipotentiary of His Most Christian Majesty having renewed, under special instructions from his Government, the claim of the representative of Caron de Beaumarchais for one million of livres, which were debited to him in the settlement of

his accounts with the United States, I lay before Congress copies of the memoir on that subject, addressed by the said Envoy to the Secretary of State.

Considering that the sum, of which the million of livres in question made a part, was a gratuitous grant from the French Government to the United States, and the declaration of that Government that that part of the grant was put in the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering, also, the concurring opinions of two Attorneys General of the United States, that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it.

JAMES MADISON.

JANUARY 31, 1817.

M. Hyde de Neuville, Envoy Extraordinary and Minister Plenipotentiary of His Most Christian Majesty, to the Secretary of State.

WASHINGTON CITY, Jan. 22, 1817.

SIR: I have the honor to address to you a note which I solicit of you the favor to submit to the consideration of the President.

I am not very particularly acquainted with the heirs of Mr. Beaumarchais; but the view which has been given to me of the whole affair, the importance which the French Government has invariably attached to it since the year 1778, the instructions which have been sent to me, the interest which the Duke of Richelieu and the Minister of the Interior feel in relation to that claim, and, above all, the opinion which I entertain of the legality of this debt, of which I have examined and weighed all the circumstances with the most scrupulous impartiality, induce me, with entire confidence, to claim your benevolence in behalf of the daughter of Mr. Beaumarchais, who, by her misfortunes and personal qualities, is worthy of it.

Receive, sir, the assurances of my high consideration.

HYDE DE NEUVILLE.

The Envoy Extraordinary and Minister Plenipotentiary of His Most Christian Majesty has the honor to transmit to the Secretary of State a new exposé of the affair of the heirs of the late Caron de Beaumarchais.

The documents which have not been hitherto brought forward, and which are annexed to the present claim, seem to remove every doubt which this debt may have given rise to.

The undersigned Minister Plenipotentiary has received from his Government reiterated instructions to call for another investigation of a transaction which bears every character of justice, and which, under this consideration, cannot fail to engage, in a very particular manner, the attention of his Excellency the President.

The undersigned is particularly enjoined to re-

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new the declaration made by Mr. Girard, His Majesty's Minister, as early as 1778, and subsequently repeated by his successors in this country, that "the French Government has always been unconnected with the mercantile operations of M. de Beaumarchais."

It is likewise his duty to state that the million which, in 1791, was deducted from the private account of Mr. Beaumarchais, was not paid to him by the French Government on account of supplies furnished to the Americans, but for a secret political service, as appears by the statement submitted to the King by M. de Vergennes, on the 7th of December, 1776, and approved by His Majesty, which exonerates the Minister, and places the expenditure in its regular course.

The undersigned deems it proper to recall to mind that the million in question formed a part of the three millions granted by the King prior to the year 1778, and the account of which was settled by the convention of the 25th of February, 1783, between France and the American commissioners.

The latter, doubtless, did not think that they ought to insist on being made acquainted in a positive manner, with the application of this million; or, if one or more of them were informed of it, they probably thought, and with reason, that the secret which the King had kept within his own control could not be divulged without the express sanction of the sovereign, who had authorized and rewarded the service.

But the question is not, at best, to know whether the American Commissioners were or were not informed of the true application of the million. France has given it. Congress has acknowledged it, in agreeing to the Convention of the 25th of February, 1783. If, therefore, the employment of this million be not found specifically recorded, it is because certain State policy at that period rendered it improper to furnish any other information on the subject.

The undersigned will not examine into the grounds and extent of the measures which have since been adopted to discover a secret of which His Majesty had thought it expedient to reserve to himself the knowledge; a circumstance which not only explains but justifies the refusal which M. de Vergennes constantly opposed to the demands which were frequently made on him for an insight into the affair.

The question to be examined in relation to the claim of the heirs of Beaumarchais appears to be solely this: 'This million received by M. de Beaumarchais from the French Government, and by order of the King, on the 10th of June, 1776—has it been given to the agent of the United States on account of supplies furnished by him to the Americans, or only to the French agent, for a secret political service, foreign to commercial operations?'

It will be allowed that, if the million had been remitted on the 10th of June, 1776, to any other individual than M. de Beaumarchais, the present misunderstanding would never have taken place. Will the objection be better founded if it should

be discovered that M. de Beaumarchais really acted in two capacities—as the agent and furnisher of supplies for the United States, and as the secret political agent of the French Government?

It is in the latter capacity that he declares he received the million. He affirms that it was received for a secret political service, which had relation to the United States, but for which he had to render an account only to his own Government. The account has been rendered by M. de Beaumarchais to the Minister; by the Minister to the King. The affair thus finds its regular adjustment, more particularly as it respects the agent, in a manner not to be contested.

What, then, can be objected to the agent of supplies: that the million remitted to the political agent has been, perhaps, paid on account of the supplies which he furnished? The Government, which gave the million, declares the contrary. It declares, and it has not ceased to declare these thirty-nine years, that it has been always unconnected with the mercantile transactions of M. de Beaumarchais with the United States. How, therefore, upon principles of equity, is it possible to make the commercial agent responsible with regard to an incident which itself cannot in any manner affect the political agent, inasmuch as his Government, to which alone he ought to account for the employment of this million, has given an authentic discharge for it, as is proved by the documents of the 7th of December and 9th of June, 1776, which will be found annexed to the renewal of the claim of the heirs of M. de Beaumarchais.

These two documents, written by M. de Vergennes (at that time Minister for Foreign Affairs) and approved by the hand of His Majesty Louis XVI. himself, will serve, without doubt, to remove uncertainties, to dissipate presumptions and probabilities, which in no instance ought to be opposed to a legal certainty.

The French Government interferes in this affair only because it is convinced, as the Attorney General of the United States is, that, in justice and in equity, the million which M. de Beaumarchais received on the 10th of June, 1776, by order of the King, and for a secret political service, ought not to be charged to his private account.

The undersigned Minister Plenipotentiary, in adverting to the services rendered by M. de Beaumarchais during the war of independence, cannot avoid observing that, by a series of accumulated misfortunes, his family will be nearly ruined if it does not speedily regain a capital which was devoted to the success of the cause of the United States.

He has, therefore, the honor to request that the Secretary of State will lay his note before the President, in order that this affair, which has been so long pending, and which is so important to the heirs of M. Caron de Beaumarchais, may be submitted to a new investigation, and definitively adjusted and determined.

The undersigned, &c.

G. HYDE DE NEUVILLE.

The Hon. the SECRETARY OF STATE.

Claim of Caron de Beaumarchais.

M. Hyde de Neuville, Envoy Extraordinary and Minister Plenipotentiary of His Most Christian Majesty, to the Secretary of State.

WASHINGTON, Dec. 6, 1817.

SIR: The President of the United States was pleased last year to recommend to Congress, by a special Message, and in the most particular manner, the claim of the heirs of Beaumarchais, relative to the settlement of an account for supplies furnished at an early period of the war of independence.

This Message was referred to a committee, and in that state the affair rested. The shortness of the session was probably the only cause why it did so.

Since that period, His Most Christian Majesty's Minister of Foreign Affairs has again recommended to me this claim of the heirs of Beaumarchais, and communicated the correspondence which took place on this subject at Paris between His Majesty's Minister and Mr. Gallatin, Minister of the United States, a copy of which I have the honor to enclose you.

Mr. Gallatin, after repeating in his letter to the Minister the objections which had been at first started, as to the employment of the million in question, gives it to be understood that he can say that a simple but explicit declaration by the French Government, "that the said million was not applied to the purchase of the supplies furnished by M. de Beaumarchais to the United States," would have removed all the doubts expressed by the public officer at the head of the Treasury, when these accounts were exhibited there.

His Majesty's Minister, after a new investigation of the facts, positively renews, in his answer, the declaration "that the million paid on the 10th of June was not applied to the purchase of the shipments made to the United States at that period by M. de Beaumarchais." As these two papers complete, in some sort, the body of information requisite for a due examination of this affair, I request, sir, you would be pleased to lay them before the President. They preclude the necessity of my adding any further, either to the notes which have been successively presented, or to mine of the 22d of January last on this subject.

It may be that the President will judge fit to transmit these documents to Congress with a new Message, to be annexed to those formerly sent, if, after the explanations which have been given, there can remain any hesitation or doubt, founded on former prepossessions not then sufficiently combated and removed.

I flatter myself that this latter communication will have the weight with Congress to which it is entitled, and dispose of it to decide this affair in a manner which the claimants confidently expect from the justice of the United States.

Be pleased, sir, &c. DE NEUVILLE.

Mr. Gallatin to the Duke de Richelieu.

PARIS, December 2, 1816.

MONSIEUR LE DUC: The late M. de Beaumarchais's accounts with the United States having

been settled according to law, by the Comptroller of the Treasury, the claim of the heirs on account of the million of francs which they complain to have been unjustly charged to M. de Beaumarchais by that officer, is still before Congress for their ultimate decision. For that reason, and also because it was stated in the letter which your Excellency addressed to me on the 11th of October last on that subject, that M. Hyde de Neuville was instructed to insist on a final decision of that claim, it appeared that the natural course for me was to transmit your Excellency's letter to my Government, which has accordingly been done.

Knowing, however, that the Government of the United States is not less anxious to pay its just debts than bound to repel unfounded claims, I beg leave to present to your consideration some observations on that affair, with no other motive than that of obtaining, if practicable, such elucidations as may enable Congress to repair the wrong, if any has in this case been done by the department of accounts.

It has been fully established, and is not denied by the parties, that one of the three millions stated (in the preamble of a contract settled on the 25th February, 1783, between Count de Vergennes and Dr. Franklin) to have been an aid and subsidy granted as a gratuitous assistance prior to the treaty of February, 1778, by His Most Christian Majesty to the United States, was paid on the 10th day of June, 1776, for the use of the United States, or for some object connected with their interest, but not to any of their agents; and that that sum is the identical million which was on that day advanced by the Government of France to M. de Beaumarchais.

Under those circumstances, the accounting officers of the Treasury of the United States, presuming that the said million had been thus advanced by the Government of France for the purpose of enabling M. de Beaumarchais to purchase the supplies intended for the said States, and thinking that, at all events, for the application of a sum granted as an aid and subsidy, he must be accountable to the Government which was to receive, and not to that which gave the subsidy, charged him with the same, and demanded from him an account of its expenditures. This M. de Beaumarchais declined doing, because he considered himself accountable for that sum only to the King, and because he thought himself restrained by particular considerations from giving any explanations on that subject.

The Government of France has, however, at several times caused it to be declared: 1st. That the French Government had ever been unconnected (*est resté constamment étranger*) with any of the commercial transactions of M. de Beaumarchais with the United States. 2d. That the million had been advanced for a secret political service, and had been applied according to the intentions of the King, and duly accounted for to his satisfaction by M. de Beaumarchais.

These declarations did not appear to Congress sufficient to remove the objections to the claim,

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because they were consistent with the supposition that the million had been advanced for the purpose of enabling M. de Beaumarchais to purchase supplies. By the first declaration, it must have been only intended to exclude the supposition that the French Government had any concern in the commercial risks, profits, or losses of M. de Beaumarchais. That it was not intended to convey the idea that they had not made to him sales or advances on account of his supplies, is inferred from the fact, which appears on the face of the accounts, that the artillery, and a part of the military stores sent by him to the United States, were taken from the King's stores and arsenals. And if the million had been advanced to him for the purpose of purchasing part of the other supplies furnished by him to America, an advance for such an object, at such a time, would certainly have been considered as an expense for a secret political service; and if it had been thus applied by him, it would have been applied according to the King's intentions, and the sum would, by exhibiting the proof of such an application, have been duly accounted for to His Majesty.

Without asking for the disclosure of the true application of that million, and without anticipating what species of proof will satisfy Congress, I may say that a simple but explicit negative declaration on the part of His Majesty's Government, "that the said million was not applied to the purchase of the supplies furnished by M. de Beaumarchais to the United States," would have removed the doubts entertained by the officers at the head of the Treasury Department when the account was settled there. It does not belong to me to conjecture whether such declaration can or ought at this time to be made by the Government of France. But its importance will be better appreciated when it is recollected that all the difficulties on that subject have arisen from former partial disclosures by the Government of France, and particularly from the insertion made by Count de Vergennes in the contract of the 25th February, 1773, of the said million, as part of the gratuitous aid and subsidies of His Most Christian Majesty to the United States. They were till that time wholly ignorant of such an advance having been made for their use; and had it not been thus brought to their knowledge, M. de Beaumarchais's claim would long ago have been definitively settled and discharged.

I have the honor, &c.

ALBERT GALLATIN.

The Duke of Richelieu to Mr. Gallatin.

PARIS, December 20, 1816.

SIR: I have received the letter which you did me the honor to address to me on the 2d of this month, in answer to mine of the 11th of October last, on the subject of the claim of the heirs of Beaumarchais.

After informing me that you had transmitted my letter to your Government, you enter into some details of the reasons which have hitherto prevented it from pronouncing on their claims.

You are of opinion that the declarations made to the Congress at different times by the French Government could not have been deemed sufficient to overcome all objections and remove all difficulties. Finally, sir, you express a desire that new information should be given to it, to the end that its future decision may be conformable to the principles of that fair and strict justice which it professes.

I cannot, sir, adopt the opinion manifested by your Government. The notes successively presented by the Ministers of France are so particular and positive, (*affirmatives*;) that they seem to remove all doubt on the facts of the subject in dispute, and consequently all hesitation as to the decision to be given.

It was in fact stated that the French Government had no concern in the commercial transactions of M. de Beaumarchais with the United States. By this declaration it was not only intended to convey the idea that the Government was nowise interested in his operations, or in his chances of loss or gain; but a positive assurance was also given that France was wholly unconnected with them: whence it results that, in relation to them, she is neither to be considered as a lender, a surety, nor as an intermediate agent. The whole of these transactions were spontaneous on the part of M. de Beaumarchais, and the right and agency derived from them appertain exclusively to him.

If, as is supposed by the committee of the Treasury, permission had been granted to him by the French Government to draw from its arsenals and magazines the supplies furnished by him to the United States, and the million in question had been advanced to enable him to replace the articles delivered to him, he certainly would have been bound in the first place to exhibit to the King's minister a provisional statement, showing the mode in which they were disposed of, to enable him to receive a provisional acquittance; and subsequently to the treaty of the 20th February, 1778—a period which rendered all dissimulation unnecessary—this statement and its approval would have been required and delivered according to the usual forms.

It is however unquestionably the fact that nothing of this has been done. The million delivered on the 10th of June immediately reached its intended destination, and a simple authorization (*approuve*) of the King, but a few months subsequent to the payment of the sum, was the only document which finally placed the expenditure in the regular train of fiscal settlement.

I am therefore warranted, sir, after a fresh examination of the facts, in persisting in the declarations above stated, and in considering as a matter of certainty that the million paid on the 10th of June was not applied to the purchase of the shipments made to the United States at that period by M. de Beaumarchais.

I have reason to hope, sir, that these explanations, which, when taken in connexion with those that have been already offered, may seem superfluous, will throw all the light upon the subject under discussion that can reasonably be desired.

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The Congress will thus be enabled to decide the affair promptly and favorably; the issue of which must however rest with it, as well in conformity with the common laws of equity as with the considerations of benevolence and good will towards the family so deeply interested in it.

There is no member of the Government who can be ignorant of the services rendered by the head of that family to your cause, and the influence produced on its early successes by his ardent zeal, extensive connexions, and liberal employment of his whole fortune.

Be pleased, sir, to receive, &c.

RICHELIEU.

[Communicated to the House February 24, 1818.]

Mr. BASSETT, from the committee to whom was referred the President's Message in relation to the heirs of Caron de Beaumarchais, reported:

That, on the settlement of the account of the late Caron de Beaumarchais with the United States, he was charged with one million of livres received by him from the French Government on the 10th June, 1776, and for which, as was alleged by the accounting officers of the Treasury Department, he had never accounted to ours. The receipt of this sum is admitted, but it has uniformly been denied by M. de Beaumarchais that it was received under any accountability to the United States, but solely to the French Government, from whom he received it, to whom he did account, and by whom he was discharged. Before the treaty of 1778, the King of France had furnished for the use of the United States three millions of livres: two millions paid to our banker in Paris, in four equal instalments, in January, April, July, and October, 1777, and one million paid to M. de Beaumarchais, 10th June, 1776. These were all the pecuniary supplies which preceded the treaty. During the years 1776 and 1777, M. Beaumarchais had furnished to the United States supplies of arms and military stores, and goods, amounting, with charges, to near five millions of livres. They consisted of eight cargoes shipped from France and received at the following places: four at Portsmouth, New Hampshire; two at Martinique, by Mr. Bingham, and two at Cape François, by Mr. Carobasse; from the latter ports they were shipped to the United States. Most of the arms and military stores were taken from the King's arsenals in different fortresses; other articles were purchased by M. Beaumarchais from individuals, and all were charged by him in his account to the United States. The accounts were mostly examined and certified by Mr. Silas Deane, who had, by an appointment from the secret committee, repaired to Europe in 1776 to purchase goods for the Indians, and arms and other supplies for our troops. The receipt and the amount of these supplies were never questioned; but there were various opinions about the source from which they were furnished. By some they were said to have been furnished by the King of France gratuitously, and to have been sent to us through

the agency of Beaumarchais, to give the appearance of an individual and commercial transaction; by others, that they were really furnished by the latter on his own account; that he was charged and held accountable to the French Government for the articles taken from the public stores, and thus become a debtor to France and a creditor to the United States, and purchased the other articles on his own credit and resources. This question seems not to have been settled until in the year 1770, when, after a formal application to the French Government, and a very tedious examination of the transactions, accounts, and correspondence of our public agents, Congress, by various resolutions, admitted that the supplies were not furnished by the Government, but that they were indebted to M. Beaumarchais for them. Since that time there has been no act or resolution of Congress questioning the source of these supplies; and, although many years elapsed before the accounts were finally settled, the question of liability, in the first instance, seems to have been at rest; though the account has been very differently stated at different times by the public officers appointed to settle it, yet all have concurred in giving M. Beaumarchais credit for the supplies furnished. In 1785, Mr. Thomas Barclay was appointed a special commissioner to proceed to Europe, to settle this and our other public accounts in France. After a very laborious examination, he stated and settled the account of M. Beaumarchais, and reported the United States in debt to him upwards of fifteen hundred thousand livres, not including any interest. This settlement, it seems, was not satisfactory; and the accounts were referred to the Treasury Board, who, in 1788, reported a balance due by Beaumarchais of more than seven hundred thousand livres. It was discovered that very great errors had crept into this latter account, and it was revised in 1791 and 1793, and finally settled in 1805, on the principles detailed by the Auditor and Comptroller in their reports. The committee do not deem it necessary to go into an examination of this or any of the other statements of this account, or to notice any of the items, except the one million received from the King in June, 1776, which was conditionally placed to the debit of M. Beaumarchais by the Board of Treasury in 1788, and finally ordered to be charged to him in the final settlement in 1805. The committee, considering the question of original indebtedness as settled by the various resolutions of Congress, and the settlement of the accounts by the authorized officers of the Government, find but one question presented for their consideration:

Whether this million was justly chargeable to Mr. Beaumarchais, as a payment on account, or as an offset to a debt otherwise admitted to be due?

The application of this million does not seem to have been known to any of our agents in France during the Revolution; and though Dr. Franklin, in the contract of 1783, acknowledges the receipt of it, yet no account was demanded

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of its expenditure until in 1786, when there was much said about the lost million, and a formal demand made of the French Court in relation to it, when it was declared by the Count de Vergennes, then and in 1776 Minister for Foreign Affairs, that it was paid by the King's order on the 10th June, 1776, for a secret political purpose, of which the King reserved to himself the exclusive cognizance. All further explanation was refused, and none other has ever been given. It was then supposed to have been received by Beaumarchais, and his account was conditionally charged with it in 1788. The application of this sum was thenceforth considered as a mystery of the Cabinet, and was not further inquired into until in 1794, when, on the application of Mr. Morris, then our Minister in France, the original receipt of Mr. Beaumarchais was procured, it being for one million of livres, received by him on the 10th June, 1776, for which he was to account to M. de Vergennes. It was on the faith of this receipt that this sum was finally charged in the account of Mr. Beaumarchais. At this time it does not appear that any other of the secret papers of the French Court, in relation to this transaction, were examined. But, in 1806, that Government declares that they had examined the archives, and had discovered conclusive evidence that Beaumarchais had accounted to the King for this sum; that it had been disbursed for a secret political purpose, and not for the purchase of supplies for the United States. The present Government has renewed, in a more explicit manner, these declarations, and furnished a document, which seems to the committee to be entitled to full credence, by which it satisfactorily appears that this million had been, before December, 1776, applied to the purposes intended by the King, who approved of it in the manner in which he usually signified his approbation. The committee are of opinion that Mr. Beaumarchais thus became discharged from all further accountability to the Government from whom he received the money, and to whose Minister, by the tenor of his receipt, he engaged to render an account. The tenor of this receipt creates no accountability to the United States, which can only arise by its satisfactorily appearing that the secret political purpose for which the money was advanced was the purchase of these supplies for them; of this the committee have discovered no evidence. It was well known to our agents in France that the supplies of a military nature were procured from the King's stores; it was so stated on the face of the accounts; they bore the King's mark. This was well known to Congress, and was never attempted to be concealed. It, therefore, could not have been necessary to ascertain this fact to make a formal demand of the French Court; this could not have been the mystery of the Cabinet and the important state secret which the King refused to disclose, even on the formal application of the United States. In 1786 there could exist no possible motive for concealing the supply of arms more than of money, for it was disclosed to the world by the treaty and the con-

tract of 1783; but there might be very cogent reasons for concealing forever the knowledge of the application of money for secret political purposes, as it might involve the safety of individuals and the reputation of their families. As the advance was gratuitous, and the insertion of it in the contract made, not for the purpose of creating a charge, but merely as an evidence of friendship, it might, as the committee conceive, very properly have been alleged by the French Government, who made the present, that ours ought to be satisfied with any application which the donor might choose to make. If this million was not applied for our benefit, we lost nothing, because we paid nothing. If the donor declared it was for our use, it was all we had a right to ask; if he was mistaken in his application of it, and we derived no benefit from it, the King could derive none, and, at the most, it was a mistake in judgment. This surely could not make that Government accountable to ours for this sum, and, whether disbursed by the King, his Ministers, or his or their agents, would not vary the question, as they must be accountable to those, and to those only, from whom it was received, unless the tenor of the receipt imported an accountability to others. A donor has an undoubted right to direct the application of his bounties. This money was set apart by the orders of the King, in May, 1776, for an object of which he reserved to himself the exclusive knowledge. It was paid in June to Beaumarchais.

The United States had then no agent in France. The money was applied; the account rendered, approved, and closed in the same year. The accountability of Mr. Beaumarchais had then ceased as to the French Government. He had complied with the condition of his receipt. He did not know the United States in the transaction, for the money was not put into his hands for their general use or account, but for a special and definite object, which the King thought would result beneficially to them. If he had refused to account to the King, alleging his accountability to the United States, he would not have complied with the terms of his receipt; and, at all events, it is to be presumed that the King would not have admitted it as a compliance. Had Beaumarchais dared to disclose a State secret which the King had forbade his Minister to publish, it is not to be doubted that the disclosure would have cost the liberty, if not the life, of Beaumarchais. It was his duty as a subject and a secret agent of the King to keep the secret; and it could not have been expected that he would or dare betray such a trust. The payment of this million to Beaumarchais was not even suspected until in 1786, for, until that time, it had been considered as the million advanced by the farmers general. This was ten years after he had rendered his account to the King. The discovery of this fact could not transfer the accountability of Beaumarchais to our Government, without the consent of the French, and divest the latter of its control over its subjects or agents. It could create no new liability, nor

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revive one which had been discharged ten years before by the parties concerned. The receipt of the money made him a debtor to the King until he accounted for it. When the account was received and approved, he ceased to be a debtor. He did not know, and could not be accountable for any arrangements between the two Governments. He was no party to the contract of 1783, and it could not affect him; it could not make him accountable to both, and no circumstances could make it his duty to disclose to the United States the application of this money, in violation of the orders of his Sovereign. It is certainly dealing harshly with him to charge him in his account with this million, because he would not account to us for the manner in which he had applied it. The dilemma is a cruel one. The refusal to disclose costs him his fortune; a disclosure may cost him his life. It was a rigorous mode of extorting from the necessities of Beaumarchais a secret which could not be obtained from the Government. Had the contract of 1783 recited the gratuitous advance of only two millions for the use of the United States, there could have been no question about this million. In consequence of this, Mr. Beaumarchais is held accountable for this million, because it appears by his receipts to have passed through his hands. If this recital is sufficient evidence to create a liability, and we attach this weight to this declaration of the French Government in our favor, may not Mr. Beaumarchais attach the same weight to their uniform declarations that he had accounted to them for this sum, that it was not applied in the purchase of supplies, and that we are not entitled to a credit for it in our account with him?

It is admitted that there is no evidence that this money was applied to the purchase of supplies, but what has been furnished by the French Government; it is, then, but fair and consistent with the principles of justice, that all their declarations on the same subject should be taken together and considered as one; they are all consistent, and it is believed that all the difficulty in the settlement of this account has been in giving credence to that one which gives a color for charging the million to Beaumarchais, and giving none to those which declare the charge an improper one. The committee have devoted much time, and made a laborious examination of the merits of this case; they have been able to discover no reason why the uniform declaration of the French Government should not be credited; there is no fact to contradict them; there is no evidence that this million was applied to the purchase of supplies charged by Beaumarchais to the United States. If the French Government now, or at any time, claimed payment of the three million of gratuities; if there were any facts clearly proved, contradicting their assertions, then we might properly exact a strict accountability from their agents, and be justified in so departing from the respect due to a friendly Government as to contradict its solemn asseverations. But the committee do not

think this should be done to a Government which, in trying times, evinced its friendship to ours, when the sum in question was a present and not a charge, and when, after an investigation of near forty years, no evidence has been found to impugn their declarations. It is not to be supposed that the French Government would advance this sum to Mr. Beaumarchais to purchase supplies from itself, or that he would, in less than six weeks after the receipt of this money, and under their eye, make a contract with Mr. Deane for payment by the United States, and thus be permitted to deceive one Government and defraud another. Indeed, the accounting officers of the Treasury do not allege that the charge was made against Beaumarchais on any evidence of the misapplication of the million by him, or of the falsity of the declarations of the French Government, or collusion between them and Beaumarchais; but on the ground of his accountability to the United States, and not to the King. The committee do not think that this conclusion is justified by the evidence before them, and can discern no reason founded on any legal or equitable principles in support of this charge, and are unanimously of opinion that the million in question has been improperly passed to the credit of the United States.

The committee would have felt that their duty would have ended with the expression of their opinion on this part of the case submitted to them, had it been one of a common cast. If any debt is due to Mr. Beaumarchais, it is a very large one. It was contracted more than forty years ago, and under circumstances which makes its payment an imperious duty. The claim has been made and persisted in, by every possible means, since 1777. No act of limitation has attached to it, and it has been made the subject of the especial and repeated interposition of the French Government; and it is equally due to them and us that it should be fully investigated and finally settled.

In a common case it would be deemed sufficient evidence of the validity of a claim on a Government that its agents, accounting officers, and Legislature, had uniformly admitted its justice; had promised payment, when it was unable to do more, and have made remittances when it was able; that the account had been closed for twenty-five years, except as to one item, which two Executive Magistrates and two Attorneys General had decided was not sustainable as a credit. Yet as this subject has been heretofore referred to committees, who have reported unfavorably to the heirs of M. de Beaumarchais, and whose opinions are entitled to the highest respect, the committee have felt it their duty to inquire not only into the propriety of the charge of the one million, but for the source of the supplies which form the charge against the United States, and to ascertain whether any were furnished gratuitously by the Government of France, or purchased by Mr. Beaumarchais on his own credit, and from his own resources. The committee have examined every document submitted or accessible, and are fully of opinion that they are properly chargeable to the United States.

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It has never been denied that they were furnished by him, that he procured and shipped them, and that payment must be made to him, if the Government of France did not employ him as their agent, and intend these supplies as gratuitous aids; for they never were attributed to any other than the two sources.

The Government of France never pretended that they had furnished more than three millions before the treaty of February, 1778, and this was in money. These supplies amounted to more than four millions; and if they were gratuitous, then the Government must have furnished seven millions before the treaty. It is not credible that Dr. Franklin and the Count de Vergennes, in the contract of 1783, should have committed so great a mistake as the omission of four millions. There was then no motive for concealing supplies of arms more than of money; and as these gratuitous aids were inserted in the contract merely to remind us of our obligations, it is to be presumed that their extent would not have been unknown or unacknowledged. The French Government have uniformly declared that they furnished no supplies of arms or military stores; have disclaimed all connexion with the commercial transactions of Mr. Beaumarchais; that the United States must pay him; that the King furnished nothing, but simply permitted him to provide himself from the arsenals, on condition of replacing the articles he took; and that the King never intended to make a present of any of the military stores taken from his arsenals; that they were furnished by Beaumarchais in the way of trade; and that, by furnishing them, he became a debtor to France and a creditor to the United States. These declarations have been the same from the year 1778 to the present time. In January, 1779, Congress, by a solemn and unanimous resolution, declared that these supplies were not a present from the King, and that he did not preface his alliance with any supplies sent to America. In the same month they order a remittance of three thousand hogsheads of tobacco to Beaumarchais, in part payment of his debt, and recognise as valid a contract made with his agent in April, 1778. The president, Mr. Jay, was directed to write him a letter, acknowledging the debt, promising payment, and assuring him that he will receive the merited applause of the new world.

The committee are not aware that there can be stronger evidence, as to the source of these supplies, than the concurring declarations of both Governments, simultaneously made, and uniformly persisted in. Peculiar force will be found due to them when a recurrence is had to some facts, which show the situation of Congress at that time, and afford a history of this transaction, in relation to the accounts of Beaumarchais.

In January, 1776, Congress resolved that a quantity of arms and other stores should be imported for the use of the United States, and forty thousand pounds worth of goods for the Indians. The secret committee were directed to pursue the most effectual measures for procuring them. They appointed Mr. Silas Deane for this purpose,

and he repaired to Europe. He arrived at Bordeaux 6th of June, 1776; the exact time of his arrival in Paris is not known, but, in July, after various letters had passed between him and Mr. Beaumarchais, an agreement was made for the supply of the articles required, not by a formal contract, but by the letters referred to. The prices were not definitively settled, but it was agreed that the United States, at their option, should pay for the articles their current value when delivered in America, or their cost in France, with the addition of transportation to the seaports, freight, commission, and insurance. A separate contract was some time afterwards made for freight between Messrs. Monthieu, Deane, and Beaumarchais, which was reduced to writing. In pursuance of this agreement, the articles were furnished and received in the United States. It was not then supposed that these supplies were gratuitous aids from the King; for, in November, 1776, Mr. Deane writes to the committee that the United States were largely indebted to Beaumarchais for them, and presses for remittances to be made to him. In August, 1777, Congress ordered that the correspondence between the secret committee and Mr. Deane be laid before them; and, in September and October of that year, remittances of tobacco were received by Mr. Beaumarchais on account. In that year he sent Mr. Francis, his agent, to the United States, in order to receive payment of his account. In March, 1778, Congress paid him twenty thousand dollars; and in April following, by a committee, made a contract, stipulating for payment of principal and interest for what had been then furnished, and for the supply of twenty-four millions of livres if the contract was ratified by Mr. Beaumarchais and our commissioners in France; this was not done, and that sum was not furnished. In the latter part of 1776, Dr. Franklin, Silas Deane, and Arthur Lee, were appointed joint commissioners at the Court of France. They did not long act in harmony, and dissensions rose among them, which Congress resolved were highly injurious to the honor and interest of the United States. Dr. Franklin and Mr. Deane appear to have been on friendly terms, but both otherwise as to Mr. Lee. Mutual complaints seem to have been made. Mr. Deane was recalled in November, 1777, and in December ordered home, and to attend Congress with all convenient despatch, in order to give an account of our affairs in Europe. He returned from France 11th July, 1778, and appeared before Congress on the 15th August, when he was ordered to give a detailed account of his proceedings, and especially of his transactions with Beaumarchais. This was the more necessary, as, on the 2d of May preceding, a letter had been received from Mr. Lee, dated in October preceding, in which he stated that the supplies for which Beaumarchais charged the United States were gratuitously furnished by the King, and that the agreement for furnishing them had been made in London, in April, 1776, between Mr. Lee and Beaumarchais, who assumed the name of Hortales & Co. Congress having

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made a contract in April, by which they had assumed payment for those supplies, it became all-important to ascertain their source. They wrote to our Ministers in Paris, enclosing a copy of the contract made with Mr. Francis, and instructed them to call on the French Court to know whether they had furnished any, and what, supplies. A letter was addressed to the Count de Vergennes; he informed them that the King had furnished nothing, and Mr. Girard, the Minister here, was ordered to make the same assurances to Congress, which he did. In the meantime the inquiry proceeded before that body. All the correspondence of our foreign agents was laid before them. Mr. Deane was examined in person, (he was so ordered,) and presented a statement in writing. In September a committee made a report on the letters of Mr. Lee and Dr. Franklin. In December Mr. Deane was again heard, and presented a long detail in writing. In January Congress passed the resolutions, and directed the letter before noticed to be written. In April, 1779, the committee reported on the conduct of our commissioners in France, and the accounts of Mr. Deane were ordered to be settled by a committee. This was never done. In August Mr. Deane was discharged from further attendance, and ten thousand five hundred dollars were ordered to be paid to him for his expenses in attending on Congress. During this investigation of more than twelve months, the inquiry was not confined to the conduct and accounts of Mr. Deane; the accounts of Beaumarchais necessarily formed an important part of the matters they acted on. Congress must have been fully informed in relation to them, and therefore possessed better means of judging correctly than possibly could have existed at any subsequent time. The transactions were then recent, the witnesses were alive, and all the papers tending to elucidate the transactions were fully considered. Under such circumstances, the resolutions of January, 1779, ought to have conclusive force, more especially when, in June following, Congress agreed to a report of a committee appointed to settle the accounts of Beaumarchais, in which they state, but do not settle, his account; acknowledge the United States to be largely indebted to him; order bills of exchange to be drawn in his favor for two million four hundred thousand livres, and direct all the tobacco which the United States then had to be paid to him. The committee cannot feel themselves justified in considering the account as open for discussion after all these solemn recognitions of its justice. It is worthy of remark, that all the evidence which is now to be procured was then fully considered; nothing new has been discovered. The former examinations were minute, and the result was satisfactory. The bills were paid to Beaumarchais, and various remittances were made to him in 1777, '78, '79, '81, and '83. The debt was never questioned, but its amount could not be ascertained here; it was, in 1785, ordered by Congress to be settled in Europe; and it was settled by Mr. Barclay, the special agent of the United States for that purpose.

Before the committee would feel themselves authorized to reject a claim thus sanctioned, they would feel it indispensable that the most clear and explicit proof should be produced—such, indeed, as would not leave remaining a reasonable doubt. A due respect for the old Congress of 1778-9, to public credit, and the often plighted faith of the Government, would seem to make this a duty imperious, not only on the committee, but on Congress. Such evidence has been sought for in vain, and, it is believed, does not exist. The committee have attentively examined the correspondence of our commissioners in Europe, and can discern in that no evidence that the supplies were furnished by the French Court. If, indeed, the statement of one of them was alone to be believed, there might have been reason to doubt on the subject, and it certainly afforded fair grounds for inquiry when the statement was received in 1778; but the committee do not know any reason why greater credit should now be given than it seemed entitled to then. It was at most but the declaration of an agent, and the principal has disavowed it, and admitted a liability which the agent denied. It is thought not consistent with good faith for this Government to rely solely on the declarations of one of its agents when it happens to be in their favor, and to disregard the assertions of others when they operate against it. If our agents in Europe dispute about the source of these supplies, the solemn and repeated declarations of both Governments would seem sufficient to turn the scale. If our Government denied its liability, it might not be deemed so important, as it was interested in proving the supplies to be gratuitous; but when it admits its liability, and that, too, when it was so extremely hard pressed for money as in the year 1779, it ought to be conclusive. It is not now a sufficient allegation to reject and disprove the justice of this debt to say that one of our agents in 1777 and '78 declared that the supplies were gratuitous; that at some times another doubted, and at other times admitted the justice of the claim. If the United States had ever paid for these supplies, and were now repelling an attempt to exact payment a second time, there would be more reason for taking advantage of slight circumstances. But the present is a far different case: we admit the receipt of the supplies; they were of infinite importance: payment has never been made by the United States, and is now resisted on no other ground than that they were intended as presents. Such intention is solemnly contradicted, and no proof offered that it existed. Congress has already repeatedly decided on the statements produced, and the committee think that their decision cannot be disturbed consistently with good faith. They fully agree with our great revolutionary financier, (Robert Morris,) "that, if anything is due Mr. Beaumarchais, the reputation of the country will be compromised until it is paid; that the payment of debts may be expensive, but that it is infinitely more expensive to withhold the payment. The former is an expense of money, when money may be com-

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manded to defray it; but the latter involves the destruction of that source from which money can be derived when all other sources fail. That source, abundant, nay, almost inexhaustible, is public credit. The country in which it may with greatest ease be established and preserved is America, and America is the country which most stands in need of it." In conclusion, the committee will remark that, in every point in which the case can be viewed by them, they are fully of opinion that the heirs of Mr. Beaumarchais are creditors of the United States, and beg leave to report a bill for their relief.

No. 1.

Letter of the Count de Vergennes to Louis XVI., dated May 2, 1776, (taken from the General History of French Diplomacy.)

SIRE: I have the honor of submitting to your Majesty the paper which is to authorize me to furnish a million of livres for the use of the English colonies, if you should deign to ratify it with your signature. I add to this, Sire, the draught of the reply which I mean to make Mr. Beaumarchais; if your Majesty should approve of it I beg that it may be returned to me without delay. It shall not go forth in my handwriting, nor in that of any of my clerks or secretaries. I will employ that of my son, which cannot be known; and, although he is only in his fifteenth year, I can answer positively for his discretion. As it is of consequence that this operation should not be detected, or at least imputed to the Government, I propose, if your Majesty consents, to call hither the Sieur Montaudoine. The ostensible motive will be to ask an account of his correspondence with the Americans, and the real one to charge him with the transmission to them of the funds which your Majesty is pleased to grant them, directing, at the same time, all the precautions to be taken as if he advanced the funds on his own account. On this head, also, I take the liberty of requesting the orders of your Majesty. That being done, I will write to the Marquis Grimaldi, (Secretary of Foreign Affairs in Spain;) I will inform him in detail of our operation, and propose to him (*de la doubler*) to do the same. I am, &c.

No. 2.

Reimbursement of funds advanced for secret services.

VERSAILLES, December 7, 1776.

It is nearly six months since the King deemed it expedient to order the amount of one million of livres tournois to be advanced, applicable to secret political services of his administration, exclusively under his cognizance.

M. de Harvelay, keeper of the royal treasury, has made the advance out of his funds, and the amount has been applied to the purposes intended by the King. It now remains for me to procure the King's orders for the reimbursement of the loan with the accruing interest. With this view, I have the honor to propose to the King that five

hundred thousand livres be refunded from the interest of public moneys, which, I conceive, may be disposable at the close of the receipts for the present year, and the remainder from that of those for 1777. Should the King accede to this arrangement, I solicit His Majesty to give it sanction by his act, and authorize the issue of such orders as may be necessary for its consummation.

"Good."

TWO ARTICLES.

1st. A loan of one million ordered to be made in 1776 for secret political purposes of His Majesty.

2. An order to hold disposable the aforesaid one million, and to see that it be duly paid.

1st Article.

M. de Harvelay will hold, subject to my orders, one million of livres, the which he shall not suffer to be taken out of his hands but on the receipt of the particular which I shall send in relation to it. The aforesaid million is for matters pertaining to the King's Government.

DE VERGENNES.

VERSAILLES, Saturday, May 4, 1776.

2d. Article.

M. de Harvelay will pay the bearer of this order one million of livres, agreeably to the decree of the 4th of May of the present year, and he will deposite the proper acknowledgment. He will account for this advance, and interest thereon, in the statement which he will render at the close of this year of the disposition he shall have made of the moneys appropriated to foreign affairs.

DE VERGENNES.

VERSAILLES, June 5, 1776.

Good for one million livres.

No. 3.

The first letter of Mr. Arthur Lee, under the name of Marie Johnston, to Mr. Beaumarchais, under the name of Roderique Hortales & Co.

LONDON, May 23, 1776.

Be persuaded that M. le Comte de * * * cannot, in any manner, embarrass you. I pray you to consider, in your arrangements at the Cape, that the want of tobacco ought not to hinder your sending out supplies to the Americans; for tobacco is so weighty an article that it will greatly impede the sailing of the ships, and the essential object is to maintain the war.

M. HORTALES.

No. 4.

Mr. Beaumarchais's answer to the above.

PARIS, June 6, 1776.

I received your letter of the 23d May. I will perform my promises in the way I pointed out. I am about to send to Cape François, in the island of St. Domingo, a ship loaded with merchandise to the value of £25,000 sterling, besides cannon,

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powder, and stores; but this last article will arrive but in small parcels, on account of the risk. On your part, do not fail to send a ship loaded with good Virginia tobacco; and let your friend send in the ship an intelligent, discreet, and faithful person, with powers to receive the money or merchandise and powder, and to make the remittances in tobacco, which I can no more do without than your friend can without what I send to him; in a word, let him give his notes to my house for what he shall not be able to pay in tobacco, and make certain and solid arrangements with my agent at the Cape for the future.

The captain, on his arrival at the Cape, must inquire of the first magistrate who is the merchant intrusted with the affairs of Roderique Hortales & Co., and he will introduce him to the correspondence of your humble servant.

M. JOHNSTON.

No. 5.

The second letter of Mr. Lee to M. de Beaumarchais.

LONDON, June 14, 1776.

SIR: I have but one moment to thank you in for your letter of the 6th June, which I received safe this moment. I will do my utmost to answer your wishes; but I advise you, as my friend, to consider always that the communication of sentiments is difficult; and, for that reason, we ought to do all in our power, without insisting on a certain and immediate return.

[In ciphers.]

Consider, above all things, that we are not transacting a mercantile business, but that politics are greatly concerned in this affair.

[In letters.]

I have written on your account to our friend Grayman.

No. 6.

The second letter of Mr. Beaumarchais to M. A. Lee.

[In ciphers.]

PARIS, June 26, 1776.

I refer you to my former letter of the 6th June, of which I pray you to follow the disposition.

The difficulties which I have met with in my negotiation with the Minister have made me take the resolution of forming a company, which shall send out the supplies of powder and stores to your friend, depending, in the mean time, on remittances in tobacco at Cape François, and always under the name of your servant,

RODERIQUE HORTALES & CO.

No. 7.

From M. de Beaumarchais to Mr. Deane.

JULY 18, 1776.

I do not know, sir, if you have anybody with you whom you may trust for translating the French letters which treat on important affairs. On my part, I shall not be able to treat with security in English till after the return of a person

whom I expect at this moment from London, and who will be an interpreter between us; meanwhile, I have the honor to inform you that I had for some time past the desire of helping the brave Americans to shake off the English yoke. I have already tried several means to open a secret and sure correspondence between the General Congress and a house which I am about to establish on that occasion. I shall exert my endeavors to provide the continent, either by the way of our West Indies, or straight from here if possible, with all such articles which the Americans shall be in need of, and which they cannot any more get from England. I have already mentioned my plan to a gentleman in London, who pretends to be much attached to America; but our correspondence, since I left England, having been carried on with difficulty and in ciphers, I have received no answer to my last, in which I have tried to fix some terms for that great and important affair.

But, since you are vested with a character which permits me to have confidence in you, I shall be very glad to begin anew, in a manner more certain and more regular, a negotiation which was before but touched on. My means are not very considerable, but they may be much increased if we can establish together a treaty of which the conditions shall be honorable and advantageous, and the execution of the same shall be exact.

I cannot grant, either to Mr. Dubourg or to anybody else, the confidence of speaking freely of my plan; but when you will have compared the nature of the offers which shall be made to you from every quarter to the disinterested zeal which attaches me to the cause of America, you will perceive what difference there is between treating with common merchants and on the hardest terms, and the good fortune of meeting with a generous friend who shall think himself happy in proving to your nation and to you, its secret representative, how truly he is devoted to them. I am, sir, yours, &c.

CARON DE BEAUMARCHAIS.

No. 8.

From Mr. Deane to Mr. Beaumarchais.

JULY 20, 1776.

SIR: In compliance with your request at our interview of yesterday, I send you enclosed copies of my commission, and an extract from my instructions, which will fully satisfy you of my being authorized to make the purchases I have applied to you for. To understand this extract, it is necessary to inform you that I was ordered to make my first application to the Ministers, and to procure the supplies wanted of them, by way of purchase or loan; and in case the credit or influence of Congress should not be such, under the present circumstances, as to obtain them from that quarter, I was instructed then to apply elsewhere. My application to the Minister, and his answer, I have already acquainted you with. With respect to the credit which will be required

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for the goods and stores which I propose to engage of you, I hope that a long one will not be necessary. Twelve months has been the longest credit my countrymen have ever been accustomed to; and Congress having engaged large quantities of tobacco in Virginia and Maryland, as well as other articles in other parts, which they will ship as fast as vessels can be provided, I have no doubt but very considerable remittances will be made within six months from this time, and for the whole within a year; this I shall, in my letters, urge Congress to do. But the events of war are uncertain, and our commerce is exposed to be affected thereby. I hope, however, that at least such remittances will be made by you that you will be able to wait for whatever sum may remain due after the credit we shall agree on is expired, having the usual interest allowed you.

I send you also an invoice of the clothing, and of many articles of the furniture and stores necessary for our army, in which I cannot be so particular at present as it will be necessary to be hereafter in case you undertake it; but as the articles for the uniforms can at this time be ascertained as well as ever, I have made out a detail of them. Though my instructions speak of but one hundred brass cannon, and of arms and clothing for 25,000 men, yet, considering the importance of the articles to America, I shall (if to be obtained) venture in a larger quantity; the probability of some part being taken, with other circumstances, will, I think, fully justify me therein. But it is improper to add on this subject until you resolve whether you will undertake, and on the terms which I presume you will do. As soon as you shall have obtained a translation of this and the enclosed, I will do myself the honor of waiting on you; in the mean time, I am, with the utmost respect and attachment, sir, yours, &c.

SILAS DEANE.

No. 9.

From Mr. Deane to M. de Beaumarchais.

PARIS, July 24, 1776.

SIR: I have considered the letter you honored me with on the 22d, and am of the opinion that your proposals for regulating the prices of goods and stores are just and equitable. The generous confidence you place in the virtue and justice of my constituents affords me the greatest pleasure, and gives me the most flattering prospect of success in the undertaking to their as well as your satisfaction; and permit me to assure you the United Colonies will take the most effectual measures to make you remittances, and to justify, in every respect, the sentiments you entertain of them; but, at the same time, as the invoice for clothing only, and without the incidental charges, amounts to about two or three millions of livres, and as the cannon, arms, and stores, will raise the sum much higher, I cannot, considering the uncertainty of the arrival of vessels during the war, venture to assure you that remittances will be made for the whole within the time proposed;

but in that case, as I wrote you before, I hope that the interest on the balance will be satisfactory. With respect to cargoes sent from America, either to France or the West Indies, designed as remittances for your advances, I think there can be no objection to their being sent to the address of a house in France, or to your agents, where they may arrive.

I find that cannon, arms, and other military stores, are prohibited, and cannot be exported but in a private manner. This circumstance gives me many apprehensions, for, as I cannot have those things shipped publicly, I cannot have them purchased openly, without giving alarms, perhaps fatal to our operations; in this case, various deceptions and impositions may be practised. You know that the ambassador of England is attentive to everything done by me, and that his spies watch every motion of mine, and will probably watch the motions of those with whom I am known to be connected. In this situation, and being a stranger in a great measure to your language, I foresee many embarrassments, which I know not how to obviate, and such as I fear may greatly perplex even yourself, notwithstanding your superior knowledge and address. Two things you will agree with me are as essential as even the procuring of the cannon, arms, &c. First, that they are good and well laid in, and that they be embarked without being stopped and detained. The fate of my country depends, in a great measure, on the arrival of these supplies. I cannot, therefore, be too anxious on the subject; nor is there any danger or expense so great but what must be hazarded, if necessary, to effect so capital and important an object. I pray you to consider this subject, and to give me your thoughts upon it. I called on you this morning with Dr. Bancroft, to have conversed with you on this subject, but found that you were gone to Versailles. Permit me to urge your early attention to this subject, and to assure you that I have the honor to be, with the highest respect, sir, yours,

SILAS DEANE.

No. 10.

Letter of Beaumarchais, under the signature of Roderique Hortales & Co., to the Secret Committee of Correspondence, dated

AUGUST 18, 1776.

GENTLEMEN: The respectful esteem that I bear towards that brave people who so well defend their liberty under your conduct, has induced me to form a plan concurring in this great work, by establishing an extensive commercial house, solely for the purpose of serving you, in Europe; there to supply you with necessities of every sort; to furnish you expeditiously and certainly with all articles, clothes, linens, powder, ammunition, muskets, cannon, or even gold for the payment of your troops; and, in general, everything that can be useful for the honorable war in which you are engaged. Your deputies, gentlemen, will find in me a sure friend, an asylum in my house, money in my coffers, and every means

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of facilitating their operations, whether of a public or a secret nature. I will, if possible, remove all obstacles that may oppose your wishes from the politics of Europe. At this very time, and without waiting for any answer from you, I have procured for you about two hundred pieces of brass cannon, (four pounders,) which will be sent to you by the nearest way; 200,000 pounds of cannon powder, 20,000 pounds of excellent fuzils, some brass mortars, bombs, cannon balls, bayonets, platines, clothes, linens, &c., for the clothing of your troops, and lead for musket balls.

An officer of the greatest merit for artillery and genius, accompanied by lieutenants, officers, artillerymen, cannoniers, &c., which he thinks necessary for the service, will go for Philadelphia even before you have received my first despatches. This, gentlemen, is one of the greatest presents that my attachment can offer you. Your deputy, Mr. Deane, agrees with me in the treatment which he thinks suitable to his office, and I have found the powers of this deputy sufficient that I should prevail with this officer to depart, under the sole engagement of the deputy respecting him, the terms of which I have not the least doubt but Congress will comply with. The secrecy, gentlemen, necessary in some part of the operations which I have undertaken for your service, requires also, on your part, a formal resolution that all the vessels and their demands should be constantly directed to our house alone, in order that there may be no idle chattering or time lost—two things that are the ruin of affairs. You will advise me what the vessels contain which you shall send into our ports. I shall choose so much of their loading, in return for what I have sent, as shall be suitable to me. When I have not been able beforehand to inform you of the cargoes which I wish, I shall facilitate to you the loading, sale, and disposal of the rest. For instance, five American vessels have just arrived in the port of Bordeaux, laden with salt fish; though this merchandise, coming from strangers, is prohibited in our ports, yet, as soon as your deputy had told me that these vessels were sent to him by you to raise money from the sale for aiding him in his purchases in Europe, I took so much care that I secretly obtained from the farmers general an order for landing it without any notice being taken of it; I could even, if the case had so happened, take upon my own account these cargoes of salted fish, though it is nowise useful to me, and charge myself with its sale and disposal, to simplify the operation, and lessen the embarrassment of the merchants, &c., of your deputy. I shall have, gentlemen, a correspondent in each of our seaport towns, who, on the arrival of your vessels, shall wait on the captains, and offer every service in my power; he will receive their letters and bills of lading, and transmit the whole to me; even things which you may wish to arrive safely in any country in Europe, after having conferred about them with your deputy, I shall cause them to be kept in some secure place; even the answers shall go with great

punctuality through me, and this way will save much anxiety and many delays. I request of you, gentlemen, to send me next Spring, if it is possible for you, ten or twelve thousand hogsheads, or more if you can, of tobacco from Virginia, of the best quality. You very well understand that my commerce with you is carried on in Europe; that it is in the ports of Europe I make and take returns. However well bottomed my house may be, and however I may have appropriated many millions to your trade alone, yet it would be impossible for me to support it if all the dangers of the sea, of exports and imports, were not entirely at your risk. Whenever you choose to receive my goods in any of our windward or leeward islands, you have only to inform me of it, and my correspondents shall be there according to your orders, and then you shall have no augmentation of price but that of freight and insurance. But the risk of being taken by your enemies still remains with you, according to the declaration rendered incontestable by the measures I shall take by your deputy himself. This deputy shall receive, as soon as possible, full power and — to accept what I shall deliver to him, to receive my accounts, examine them, make payments thereupon, or enter into engagements which you shall be bound to ratify as the head of that brave people to whom I am devoted; in short, always to treat about your interests immediately with me. Notwithstanding the open opposition which the King of France, his Ministers, and the agents of administration show, and ought to show, to everything that carries the least appearance of violating foreign treaties and the internal ordinances of the kingdom, I dare promise to you, gentlemen, that my indefatigable zeal shall never be wanting to clear up difficulties, soften prohibitions, and, in short, facilitate all operations of a commerce which my advantage, much less than yours, has made me undertake with you. What I have just informed you of, gentlemen, is only a general sketch, subject to all the augmentations and restrictions which events may point out to us. One thing can never vary or diminish—it is the avowed and ardent desire I have of serving you to the utmost of my power. You will recollect my signature; that one of your friends in London some time ago informed you of my favorable dispositions towards you, and my attachment to your interest.

Look upon my house then, gentlemen, from henceforward, as the chief of all useful operations to you in Europe, and my person as one of the most zealous partisans of your cause, the soul of your success, and a man the most deeply impressed with respectful esteem, with which I have the honor to be,

RODERIQUE HORTALES & CO.

P. S. I add here, to conclude, that every American vessel, though not immediately armed or loaded by you, will be entitled to my good offices in this country; but yours, particularly addressed to my house, will receive a particular preference from me. I ought also to intimate to you, gen-

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tllemen, that, from the nature of my connexion, it is to be wished you would use discretion, even in the accounts that you give to the General Congress. Everything that passes in your great assemblies is known (I cannot tell how) at the Court of Great Britain; some indiscreet or perfidious citizen sends an exact account of your proceedings to the palace of St. James.

In times of great exigency, gentlemen, Rome had a dictator; and in a state of danger, the more the executive power is brought to a point, the more certain will be its effect, and there will be less to fear from indiscretion. It is to your wisdom, gentlemen, I make this remark; if it seems to you just and well planned, look upon it as a new mark of my ardor for your rising republic.

R. H. & Co.

No. 11.

From Mr. Deane to M. de Beaumarchais.

PARIS, August, 19, 1776.

SIR: Since the stores and goods have been engaged and getting ready, I have made inquiry of several merchants respecting the charter of vessels for America generally, without mentioning what their cargoes should consist of, and have written in the same way to some of my correspondents; and, in the whole, I find I shall not be able to provide them so early as is necessary at any rate, and I fear not without making their destination and object too public. You will recollect that I mentioned my apprehensions on this subject to you some days since, and now propose (if consistent with your other engagements) that you would take the procuring of the vessels necessary on you, at least so far as to be security for the payment of their charter. It gives me pain to put this additional trouble and expense on you, but I know that you think nothing within your power is too great to be undertaken for the service of the United Colonies of America, whose grateful acknowledgments must equal, though they can never exceed, your generous exertions in their favor at this critical and important period of their affairs. These vessels will return with cargoes on your account, which, with what will probably arrive from other remittances, will enable you to proceed to the greatest extent in executing the great and liberal plan you have proposed. I shall do myself the honor of waiting on you to-morrow morning on this and other affairs; mean time, I am, with the utmost respect and attachment, sir, yours, &c.

SILAS DEANE.

No. 12.

Letter of Beaumarchais to the Secret Committee of Correspondence, dated

SEPTEMBER 15, 1776.

GENTLEMEN: In writing this letter, I imagine you are informed by my first of my active zeal for your interest; I therefore suppose you will do me the honor to acknowledge me among your friends and faithful servants. These titles I adopt

with pleasure, because I think myself worthy of them. In addition to the offers of what I possess, I shall presume to make another of those reflections which I think may be useful to you. Living in Europe, and being better able than you to unfold the secret springs which give motion to States in this part of the world; and, above all, persuaded you have only shaken off the yoke of one of the people that compose it to become a more certain friend to the rest, I will venture to reason with you upon your present situation. Whatever haughty confidence, gentlemen, your enemies may affect, your declaration of independence has thrown them into consternation. Flattering themselves no more to regain you by their adroitness, they begin to fear they will not be able to subdue you by force. Their finances shattered, their commerce lessened, their force exhausted, plainly indicate that the present great effort is the last thing they will be able to make against you; and if your courage, gentlemen, is only sufficiently fortunate to bear the weight of the present campaign, it is almost impossible that they will dare to undertake another. But, whilst you are fighting in America to free yourselves from their yoke, the events of Europe concur to hasten the moment of your delivery. The blunder Portugal has lately fallen into of shutting her ports, with still more imprudence than haughtiness, seems to be an act of Heaven in your favor, of which you cannot too soon avail yourselves. From the resentment which Spain has long borne for Portugal, if I had the honor of presiding in your committee, gentlemen, I would not hesitate to persuade you immediately to declare war against Portugal, and without delay to send a fleet to the Brazils. This unexpected and bold measure would be productive of many good effects: the first would be certainly to interest Spain in your success, and perhaps engage her to make a like declaration against Portugal. From that moment, united with Spain in resentment, you become in some sort her allies; for the enemies of our enemies are more than half our friends. Do not entertain a doubt but that Power will then open her American ports to your armed vessels, and send a private order to receive in them your privateers and the prizes they may make upon the Portuguese. And if your declaration is fortunate enough to draw Spain in openly, (as I scarce have a doubt but it will,) so great a diversion will soon oblige the English to divide their force, and fly to the assistance of Portugal, unless they choose also to lose this sort of a colony, at the same time that you are openly renouncing their authority, which is not probable. And what immense advantage would not this division of their forces give to a collection of yours! and your force and success will be continually increasing, gentlemen, if Spain declares herself openly for the assistance of vessels. Troops and money, which France cannot refuse to that Power, when she enters into a war, according to the spirit and letter of the family compact, will render it necessary for England to supply Portugal with more considerable support. Then all the

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reproaches of England cannot prevent France from opening her ports to you without reserve, and permitting you to draw from thence, by way of trade, plentiful supplies of every sort. "What do you require of us?" the Minister of France would say to the English Ambassador. The King, our master, furnishes assistance to Spain, much less from a desire of making war, than from faithfully observing his treaties. If he had any other motive than a regard to his engagements, what should hinder him at present from making use of so fine an opportunity to make war upon yourselves? And if he does not make it upon his rivals and almost his enemies, ought he to provoke any of your people to declare it against him? See what has happened to Portugal! Do you wish that, in shutting our ports to the Americans, with whom we have no dispute, we should suggest to them our inclination of attacking our American possessions, or of seducing and detaching from us our colonies, by a hope of associating with them? Do you wish they should desolate our island by the multitude of their cruisers, against which even the whole force of England at this time can do nothing? To oblige the English, shall we fall into the absurdity of making war against the Americans on the one hand, whilst on the other, in assisting Spain, we shall be forced perhaps to act in concert with the same Americans against the Portuguese? This, gentlemen, is what our Minister would say, and this appears to me unanswerable; and who knows how far things may be carried in Europe from interests so different, so remote, and at the same time so confounded together? Now all this may and probably will be the fruit of your declaring war against Portugal. I have taken this second opportunity to transmit this advice to you. It seemed to strike your deputy, whose good sense immediately perceives whatever has force or propriety in it. I doubt not but he will write to the same purpose. It is therefore my opinion, gentlemen, that you cannot too soon weigh the importance of this idea, and come to some resolution thereupon, worthy of your bravery. Lay hold of the encouragements which fortune offers, and which my respectful attachment for you points out. I have the honor to be, &c.

No. 13.

Statement of a verbal report made to the Secret Committee of Correspondence, by Mr. Thomas Story, October 1, 1776, (being a copy of a paper which was before the Committee of Claims in 1808.)

Mr. Thomas Story (who had been sent by the Committee of Secret Correspondence, December 13, 1775, to France, Holland, and England) reported verbally, as follows: On my leaving London, Arthur Lee, Esq. requested me to inform the Committee of Correspondence that he had several conferences with the French Ambassador, who had communicated the same to the French Court; that, in consequence thereof, the Duke de Vergennes had sent a gentleman to Arthur Lee, who informed him that the French Court could

not think of entering into a war with England, but that they would assist America, by sending from Holland this Fall £200,000 sterling worth of arms and ammunition to St. Eustatia, Martinique, or Cape François; that application was to be made to the governors or commandants of those places, by inquiring for Monsieur Hortales, and that, on persons properly authorized applying, the above articles would be delivered to them.

Philadelphia, October 1, 1776. The above intelligence was communicated to the subscribers, being the only two members of the Committee of Secret Correspondence now in this city; and on our considering the nature and importance of it, we agree in opinion that it is our indispensable duty to keep it a secret, even from Congress, for the following reasons:

1. Should it get to the ears of our enemies at New York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us not only of those succors, but of others expected by the same route.

2. As the Court of France have taken measures to negotiate this loan and succor in the most cautious and most secret manner, should we divulge it immediately, we may not only lose the present benefit, but also render that Court cautious of any further connexion with such unguarded people, and prevent their granting other loans and assistance that we stand in need of, and have directed Mr. Deane to ask of them; for it appears, from all our intelligence, they are not disposed to enter into an immediate war with Britain, though disposed to support us in our contest with them: we, therefore, think it our duty to cultivate their favorable disposition towards us, draw from them all the support we can, and in the end their private aid must assist us to establish peace or inevitably draw them in as parties to the war.

3. We find, by fatal experience, the Congress consists of too many members to keep secrets, as none could be more strongly enjoined than the present embassy to France. Notwithstanding which, Mr. Morris was this day asked by Mr. Reese Meredith whether Doctor Franklin and others were really going Ambassadors to France; which plainly proves that this committee ought to keep this secret, if secrecy is required.

4. We are of opinion that it is unnecessary to inform Congress of this intelligence at present, because Mr. Morris belongs to all the committees that can properly be employed in receiving and importing the expected supplies from Martinique, and will influence the necessary measures for that purpose. Indeed, we have already authorized William Bingham, Esq., to apply at Martinique and St. Eustatia for what comes there, and remit part by the armed sloop Independence, Captain Young, promising to send others for the rest. Mr. Morris will apply to the Marine Committee to send other armed vessels after her, and also to Cape François, (without communicating this advice,) in consequence of private intelligence lately received that arms, ammunition, and

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clothing, can now be procured at those places. But, should any unexpected misfortune befall the States of America, so as to depress the spirits of Congress, it is our opinion that, on any event of that kind, Mr. Morris (if Doctor Franklin should be absent) should communicate this important matter to Congress, otherwise keep it until part of or the whole supplies arrive, unless other events happen to render the communication of it more proper than it appears to be at this time.

BENJAMIN FRANKLIN,
ROBERT MORRIS.

Communicated to me this 11th October, 1776, and I concur heartily in the same.

RICHARD HENRY LEE.

Communicated to me this 10th October, 1776, and I do also sincerely approve of the measure.

WILLIAM HOOPER.

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No. 14.

Extract of a letter from Doctor Franklin to the President of Congress, dated

NANTZ, October 8, 1776.

I understand Mr. Lee has lately been at Paris, that Mr. Deane is still there, and that an underhand supply is obtained from the Government of two hundred brass field-pieces, thirty thousand firelocks, and some other military stores, which are now shipping for America, and will be conveyed by a ship of war. The Court of England, Mr. Penet tells me, (from whom I have the above intelligence,) had the folly to demand Mr. Deane to be given up, but was refused.

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No. 15.

Extract of a letter from Silas Deane, Esq., dated

PARIS, November 6, 1776.

Two hundred pieces of brass cannon and arms, tents and accoutrements for thirty thousand men, with ammunition in proportion, and I believe twenty or thirty brass mortars, have been granted at my request; but the unaccountable silence on your part has delayed the embarkation some weeks already.

I yesterday got them again in motion, and a part are already at Havre-de-Grace and Nantz, and the rest on their way there, but am hourly trembling for fear of counter-orders.

Had I received proper powers in season, this supply would, before this, have been in America, and that under the convoy of a strong fleet; the disappointment is distressing, &c.

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No. 16.

Extract of a letter from Silas Deane, Esq., to the Secret Committee of Congress, dated

PARIS, November 29, 1776.

The several letters you will receive with this will give you some idea of the situation I have been in for some months past, though, after all, I

must refer you to Mr. Rogers to be particular on some subjects. I should never have completed what I have but for the generous, the indefatigable, and spirited exertions of Monsieur Beaumarchais, to whom the United States are on every account greatly indebted; more so than to any other person on this side of the water. He is greatly in advance for stores, clothing, and the like, and therefore I am confident you will make him the earliest and most ample remittances. He wrote you by Mr. McCreery, and will write you again by this conveyance.

I cannot, in a letter, do full justice to Monsieur Beaumarchais for his great address and assiduity in our cause. I can only say he appears to have undertaken it on great and liberal principles, and has, in the pursuit, made it his own. His interest and influence, which are great, have been exerted to the utmost in the cause of the United States, and I hope the consequences will equal his wishes.

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No. 17.

Extract from the letter of M. de Beaumarchais to Congress.

PARIS, December 1, 1776.

GENTLEMEN: With regard to me, gentlemen, my sincere attachment to your cause, and my respectful esteem for your persons, have not suffered me to hesitate and to wait until vessels loaded by you should arrive in this country with the produce of your own in exchange for our merchandise; but on the faith of the powers of your commissioner (a duplicate of which he has left in the hands of our ministry) I have procured from our manufactories all what I have thought might be useful to you in your present situation; and I have begun to send supplies to you by the ship that carries this letter, with a brief account of what it contains for your use, as I expect to send you my invoices, in good order, attested and signed by Mr. Deane, by another ship that will carry you a fresh supply of ammunition, and the invoices of which I shall send by a third ship, and so for all the others.

But, gentlemen, however warm may be the zeal that animates me, my friends will never be sufficient to double and treble my advances if, on your side, you do not send me on my ships and on your own remittances in country produce, in proportion as you receive my supplies.

What I call my ships, gentlemen, are some French vessels hired for freight, according to a bargain agreed to between a merchant and myself, in presence of Mr. Deane, for want of your own vessels, which we had been long expecting, but did not arrive. Here, enclosed, you have a copy of the agreement.

Now, gentlemen, I beg you will send me my remittances, either in excellent Virginia tobacco, or in indigo, rice, &c. My advances in this expedition must be soon followed by a second as considerable. It amounts to about one million tournois.

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[Referred to in the preceding.]

Articles of affreightment of armed vessels and merchandise entered in and agreed to between Messrs. De Monthieu and Roderique Hortales & Co., and Mr. Silas Deane.

We, the subscribers, John Joseph de Monthieu and Roderique Hortales & Co., are agreed with Mr. Silas Deane, agent of the United Colonies, upon the subsequent arrangements:

That I, De Monthieu, do engage to furnish, on account of the Thirteen United Colonies of North America, a certain number of vessels to carry arms and merchandise to the burden of sixteen hundred tons, or as many vessels as are deemed sufficient to transport to some harbor of North America, belonging to the Thirteen United Colonies, all the ammunition and appurtenances agreeably to the estimate signed and left in my possession, and which we esteem would require the above-mentioned quantities of vessels to carry sixteen hundred tons burden, which are to be paid for at the rate of two hundred livres the ton, and that I will hold said vessels at the disposal of said Messrs. Hortales & Co., ready to sail at the ports of Havre, Nantz, and Marseilles, viz: The vessels which are to carry the articles and passengers mentioned in the aforementioned list, and are to depart from Havre, as well as those that are to go from Nantz, to be ready in the course of November next, and the others in the course of December following, on condition that one-half of the aforementioned freight of two hundred livres per ton, both for the voyage to America and back to France, laden equally on account of the Congress of the Thirteen United Colonies and Messrs. Hortales & Co. aforesaid, who are responsible for them, shall be advanced and paid immediately in money, bills of exchange, or other good merchandise or effects, and the other half said Messrs. Hortales & Co. do agree to furnish me with, in proportion as the vessels are fitting out, in the same money or other effects as above; over and above this, they are to pay me for the passage of each officer not belonging to the ship's crew the sum of five hundred and fifty livres tournois, and for every soldier or servant two hundred and fifty livres, and for every sailor who goes as passenger one hundred and fifty livres. It is expressly covenanted and agreed between us that all risks of the sea, either in said vessels being chased, run on shore, or taken, shall be on account of the Congress of the United Colonies, and shall be paid agreeably to the estimation which may be made of each of these vessels, agreeably to the bills of sale of each, which I promise to deliver to Messrs. Hortales & Co., before the departure of any of the said vessels from any of the ports of France mentioned above.

Finally, it is agreed that if the Americans detain these vessels longer than two months in their ports, without shipping on board them the returns they are to carry to France, all demurrage, wages, or expenses on them from the day of their arrival to that of their departure, (these two months excepted,) shall be at their charge, and paid by them or by Messrs. Hortales & Co. in our own name,

as answerable for the Congress of the United Colonies. We accept the above conditions as far as they respect us, and promise faithfully to fulfil them, and, in consequence, we have signed this instrument of writing, one to the other, at Paris, 15th October, 1776.

MONTHIEU.

RODERIQUE HORTALES & CO.

SILAS DEANE,

Agent for the United Colonies.

No. 18.

Extract of a letter from Arthur Lee, Esq., to the Secret Committee of Congress, dated

PARIS, January 3, 1777.

The politics of this Court are in a kind of trembling hesitation. It is in consequence of this that the promises which were made me by the French agent, in London, and which I stated to you by Mr. Story and others, have not been entirely fulfilled.

The changing the mode of conveying what they promised was settled with Mr. Deane, whom Hortales or Beaumarchais found here, on his return from London, and with whom, therefore, all the arrangements were made.

No. 19.

Extract of a statement made by William McCreery to John Hancock, President of Congress.

BALTIMORE, January —, 1777.

On the 18th of August last, I took charge of a packet directed to the Secret Committee of Correspondence at Philadelphia, from Silas Deane, Esq., at Paris, with directions from him to destroy it in case of danger; and having been taken near the Capes of Delaware, the latter end of October last, by the Lively man-of-war, belonging to the King of England, I sunk the packet and all the other papers that I had relating to public matters. During my stay with Mr. Deane at Paris, which was seven days, he communicated sundry matters to me; I shall therefore recite them here for your satisfaction as they occur to me.

On his way to Paris he visited the greatest foundry of cannon that there is in France, at Angoulême, which he described to me, and requested that I should visit myself on my way to Bordeaux, which was prevented by an accident which happened to me in the neighborhood of the place; but, as I hear of a man who proposes carrying on the work here on a similar plan, I shall omit saying any more about it. What were called manufacturing towns between that and Paris, he said, were unworthy the name; which I found afterwards to be the case.

At Paris he had a most cordial reception from Doctor Dubourg, to whom he had a letter from Doctor Benjamin Franklin. The old gentleman has entirely laid aside his own business, and devotes his whole time to the service of America; and I may venture to assert that few among us have more anxiety for our welfare, or undergo

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more drudgery to serve the cause than he does. During Mr. Deane's first interview with the French Minister, the latter asked a number of questions about America; among the rest, whether the loss of the fishery would not affect us most severely? and how could we possibly do without trade? To the former of these, he answered that only a part of us used the fisheries, and that the seamen employed therein were all taken into our navy and army; to the latter, that our vessels that might fall into the hands of the English would be but of trifling value, while our privateers took the most valuable vessels and cargoes. Every demand that Mr. Deane made on them was cheerfully granted, so as it might be done or executed in a private manner; but as to espousing our quarrels, or receiving Mr. Deane publicly, it could not be done.

Independence, he said, was a matter in the womb of time. When the Americans would declare that, and renounce all connexion with Great Britain, they might then expect everything that France could do. He wanted to contract with the public, or rather with the Crown, for the arms, &c., which he wanted. The Minister, however, avoided that mode; but a creature of the Court, a mere man of pleasure, whose real circumstances are perhaps much worse than nothing, offered to supply him with the arms, &c., which he wanted on credit. He readily guessed that this gentleman was employed by the Minister. Doctor Dubourg insisted that this was not a proper man to treat with, and proposed another method. A change being expected in the ministry every day, embarrassed Mr. Deane a good deal, as he wanted to act so as to give umbrage to none, and whom he contracted with I really do not know. He has, however, purchased arms, clothing, accoutrements, and everything for an army of twenty-five thousand men, together with two hundred brass field-pieces, all of which, I believe, are 4-pounders. These things were to be shipped under the direction and inspection of General Coudray, who is to come out to America with them. He is an experienced general, sober, sensible, and indefatigable in every undertaking, and has great interest at that Court. There were also coming a number of young nobility of France, some of whom are sons of the first people at Court. Mr. Deane expected that all those things would be shipped in September or October. He intended to make application for a convoy, and had hopes of obtaining it, &c.

No. 20.

Extract from the letter of M. de Beaumarchais to Congress.

PARIS, February 28, 1777.

GENTLEMEN: I have the honor to fit out, for the service of the Congress, by the way of Hispaniola, the ship *Amelia*, loaded with field and ordnance pieces, powder, and leaden pigs. As the season is too far advanced that the ship might go straightway to your ports, I have charged M. Carabane, my correspondent at Cape François,

to reverse the whole cargo on Bermudian, or even on American ships, if he finds any at her arrival in that port, and to transmit to you as soon as possible.

This is the fourth ship I have addressed to you since December last; the other three have steered their course towards your eastern ports.

The first is the *Amphitrite*, of four hundred and eighty tons, Captain Sautrel, loaded with cannon, muskets, tents, entrenching tools, tin, powder, clothing, &c. Left Havre-de-Grace on the 14th of December, 1776.

The second is the *Seine*, from the same port, Captain Morin, of three hundred and fifty tons, loaded with muskets, tents, mortars, powder, tin, cannon, musket balls, &c.

The third is the *Mercury*, of three hundred and seventeen tons, Captain Herand, from Nantz, loaded with one hundred thousand pounds of powder, twelve thousand muskets, the remainder in cloth, linen, caps, shoes, stockings, blankets, and other necessary articles for the clothing of the troops.

In my letters of August, September, and December last, the duplicates of which have been delivered to you by the chief officer of those that went over to your service in the *Amphitrite*, I have requested you to order that my ships might not wait long for the remittances I ask for in the same letters, my design being to send you uninterrupted supplies, and such as may be of the greatest use to you. I hope, on your side, you will, as soon as possible, load again and send me back my vessels.

No. 21.

Letter from Arthur Lee, Esq., to the Secret Committee of Congress.

PARIS, August 16, 1777.

I perceive, by your last letters, that you made a consignment to Hortales and Co., which, in fact, is to M. de Beaumarchais. I think it, therefore, my duty to relate to you all the facts relative to that gentleman, upon which you will judge how far it is fit to continue those consignments. About May twelve months, M. de Beaumarchais was introduced to me in London, as an agent from the French Court, who wished to communicate something to Congress. At our first interview he informed me that the Court of France wished to send an aid to America to the amount of 200,000 louis d'or in specie, arms, and ammunition, and that all they wanted to know was, to what island it was best to make the remittance, and that Congress should be apprized of it.

We settled the Cape as the place, and he urged me by no means to omit giving the earliest intelligence that it would be remitted in the name of Hortales. At our next meeting he desired me to request that a small quantity of tobacco, or some other production, might be returned, to give it the air of a mercantile transaction, repeating, over and over again, that it was for a cover only,

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and not for payment, as the remittance was gratuitous. Of all this I informed the committee by every opportunity.

At the same time I stated to M. Beaumarchais that, if his Court would despatch eight or ten ships of the line to our aid, it would enable us to destroy the British fleet, and settle the business at one stroke.

I repeated this to him in a letter after his return to Paris; to which the answer was, that there was not spirit enough in his Court for such an exertion, but that he was hastening the promised succors. Upon Mr. Deane's arrival the business went into his hands, and the things were at length embarked in the *Amphitrite*, *Mercury*, and *Seine*.

M. de Vergennes, the minister, and his secretary, have repeatedly assured us that no return was expected for those cargoes, or for what M. de Beaumarchais furnished us. This gentleman is not a merchant, but is known as a political agent, employed by the French Court. Remittances, therefore, to him, so far from recovering the business, would create suspicions, or rather satisfy the British Court that these suspicions are just. At the same time his circumstances and situation forbid one to hope that your property, being once in his hands, could ever be recovered; and, as an attempt to force him to account would hazard a discovery of the whole transaction, this Government would, of course, discountenance or forbid it. These are the facts which I have thought it my duty to state to you. Your better judgment will direct you whether to continue the remittances or not. I have, &c. A. L.

No. 22.

Extract of a letter from Dr. Franklin and Silas Deane, Commissioners of the United States at Paris, to the Secret Committee of Congress, dated

PARIS, Sept. 8, 1777.

It gave us great joy to hear of the arrival of the *Mercury*, *Amphitrite*, and other vessels carrying supplies. Another ship, with a similar cargo, which had long been detained at Marseilles, we hope will soon arrive with you. We hope also that you will receive between twenty and thirty thousand suits of clothes before winter, and, from time to time, quantities of new and good arms we are purchasing in different parts of Europe. But we must desire you to remember that we are hitherto disappointed in your promises of remittance, either by the difficulties you find in shipping, or by captures; and that, though far short of completing your orders, we are in danger of being greatly embarrassed by debts, and failing in performance of our contracts, and losing our credit with that of the Congress.

No. 23.

Extract of a letter from Silas Deane, Esq., to the Secret Committee of Congress, dated

PARIS, Sept., 20, 1777.

This will be handed you by Mr. Francis, who is agent for Hortales & Co.; you will see by the

bills of lading the quantities of stores shipped by that house, and make some judgment of their considerable amount. The vessel in which Mr. Francis comes, is loaded with stores which were long since engaged. I still hope they will come in safety, and in season to be of service.

Messrs. Roderique Hortales & Co. have other vessels which will follow this in a short time, which they want to have despatched with tobacco, agreeably to what they formerly wrote you, and Mr. Francis comes partly on that account; I must, therefore, pray you to furnish means of procuring the quantity he will want for them in season.

As the vessels of Messrs. Hortales & Co. will arrive at a time when despatch will be of the utmost importance, they are desirous to have their cargoes ready on their arrival.

No. 24.

Mr. Arthur Lee to the Secret Committee of Congress.

PARIS, October 6, 1777.

GENTLEMEN: From Berlin, on the 11th of June, and from this place, the 29th of July, I had the honor of informing you at large of my proceedings in Prussia. Not having received an answer from that Court relative to the reception of our privateers and their prizes in Prussian ports, I have written lately to press for one, which I hope will be favorable, as I left so friendly a disposition there that I was desired to communicate His Majesty's warmest wishes for our success. I mentioned, too, the improbability of our enemy's receiving assistance from Russia for the next campaign, and how much their resources were exhausted in Germany.

By Captain Young I received the commands of Congress in their commission to me for the Court of Spain. As Dr. Franklin had announced his appointment, with an assurance of his readiness to repair to Madrid as soon as that Court thought proper to receive him, it seemed unnecessary immediately to apprise them of the new appointment. During my absence in Germany, a letter was received from Monsieur Gardoqui, at Bilbao, intimating an expectation of returns from you for what was transmitted to you through their house. But, upon application to his Court, I am again authorized to assure you that for the supplies already sent no return was expected; but, in future, that remittances of American produce were expected for supplies through the house of Gardoqui. It is impracticable to bring them to such an explanation as to know with certainty whether they mean this in earnest, or only as a cover. Should the transaction transpire, I am inclined to think the latter. However, I wrote to Mr. Gardoqui, in consequence, as follows: "We are now to begin on a new footing; and I shall take care that my constituents be informed that, for all the aids they receive hereafter from your quarter, they are to make returns in tobacco, pitch, tar, &c., to your house. I beg to know by your next whether the same arrangement is to take place for the future with regard to the de-

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posites at the Havana and New Orleans, or whether nothing further is to be transmitted through those channels, that, if so, the trouble of sending thither, and the disappointment, may be prevented. As the winter's campaign is approaching fast, in which blankets are of the greatest utility, I wish you to send as many of them as possible."

Upon this subject of returns, I think it my duty to state to you some facts relative to the demands of this kind from Hortales. The gentleman who uses this name came to me, about a year and a half ago, in London, as an agent from this Court, and wishing to communicate something to Congress. At our first interview he informed me that the Court of France wished to send an aid to America of 200,000 louis d'or in specie, arms, and ammunition; and all that they wanted was to know through which island it was best to make the remittance, and that Congress should be apprized of it. We settled the Cape as the place; and he urged me by no means to omit giving the earliest intelligence of it, with information that it would be remitted in the name of Hortales. At our next meeting he desired me to request that a small quantity of tobacco, or some other production, might be sent to the cape, to give it the air of a mercantile transaction, repeating, over and over again, that it was for a cover only, and not for payment, as the remittance was gratuitous. Of all this I informed Dr. Franklin, chairman of the committee, by sundry opportunities. At the same time I stated to Monsieur Hortales that, if his Court would despatch eight or ten ships of the line to our aid, it would enable us to destroy all the British fleet, and decide the question at one stroke. I repeated this in a letter to him after his return to Paris; to which the answer was, that there was not spirit enough in his Court for such an exertion, but that he was hastening the promised succors. Upon Mr. Deane's arrival the business went into his hands; and the aids were at length embarked in the Amphitrite, Mercury, and Seine. The Minister has repeatedly assured us, and that in the most explicit terms, that no return is expected for these subsidies.

I have the honor to be &c.

ARTHUR LEE.

To the SECRET COM'EE OF CONGRESS.

No. 25.

PASSY, NEAR PARIS, Oct. 7, 1777.

GENTLEMEN: We received duly your despatches by Mr. McCreery and Captain Young, dated May 2d and 30th, June 13th, 18th, and 26th, and July 2d; the intelligence they contain is very particular and satisfactory. It rejoices us to be informed that unanimity continues to reign among the States, and that you have so good an opinion of your affairs, in which we join with you. We understand that you have also written to us, of later dates, by Captain Holm. He is arrived at port L'Orient, but, being chased and nearly taken, he sunk his despatches.

We are also of your sentiments with regard to

the interests of France and Spain respecting our independence, which interests we are persuaded they see as well as we, though particular present circumstances induce them to postpone the measures that are proper to secure those interests. They continue to hold the same conduct described in our last, which went by Wickes and Johnson, a copy whereof we send herewith, as Johnson is unfortunately taken.

We have lately presented an earnest memorial to both Courts, stating the difficulties of our situation, and requesting that, if they cannot immediately make a diversion in our favor, they would give a subsidy sufficient to enable us to continue the war without them, or afford the States their advice and influence in making a good peace.

Our present demand, to enable us to fulfil your orders, is for about eight millions of livres. Couriers, we understand, are despatched with this memorial to Madrid, both by the ambassador of Spain and the minister here; and we are desired to await with patience the answer, as the two Courts must act together. In the meantime they give us fresh assurances of their good-will to our cause, and we have just received a fourth sum of five hundred thousand livres. But we are continually charged to keep the aids that are or may be afforded as a dead secret, even from the Congress, where they suppose England has some intelligence; and they wish she may have no certain proofs to produce against them with the other Powers of Europe. The apparent necessity of your being informed of the true state of your affairs, obliges us to dispense with this injunction; but we entreat that the greatest care may be taken that no part of it shall transpire, nor of the assurances we have received that no repayment will ever be required from us of what has been already given us, either in money or military stores. The great desire here seems to be, that England should strike first, and not be able to give her allies a good reason.

The total failure of remittances from you for a long time past has embarrassed us exceedingly. The contracts we entered into for clothing and arms, in expectation of those remittances, and which are now beginning to call for payment, distress us much; and we are in imminent danger of bankruptcy, for all your agents are in the same situation, and they all recur to us to save their and your credit. We were obliged to discharge a debt of Myrle's at Bordeaux, amounting to about five thousand livres, to get that vessel away; and he now duns us by every post for between four and five thousand pounds sterling, to disengage him in Holland, where he has purchased arms for you. With the same view of saving your credit, Mr. Ross was furnished with twenty thousand pounds sterling to disentangle him. All the captains of your armed vessels come to us for their supplies, and we have not received a farthing of the produce of their prizes, as they are ordered into other hands. Mr. Hodge has had large sums of us. But to give you some idea for the present, till a more perfect account can be rendered of the demands upon us that we have

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paid, we enclose a sketch for your perusal, and shall only observe, that we have refused no application in which your credit appeared to be concerned, except one from the creditors of a Mr. Ceronio, said to be your agent in Hispaniola, but of whom we had no knowledge; and we had reason to hope that you would have been equally ready to support our credit as we have been of yours, and from the same motives—the good of the public, for whom we are all acting; the success of our business depending considerably upon it.

We are sorry, therefore, to find all the world acquainted here that the commissioners from Congress have not so much of your regard as to obtain the change of a single agent who disgraces us all. We say no more of this at present, contenting ourselves with the consciousness that we recommend that change from the purest motives, and that the necessity of it, and our uprightness in proposing it, will soon fully appear.

Messrs. Gardoqui, at Bilbao, have sent several cargoes of naval stores, cordage, sail-cloth, anchors, &c. for the public use, consigned to Elbridge Gerry, Esquire. They complain that they have no acknowledgment from that gentleman of the goods being received, though they know the vessels arrived. We have excused it to them, on the supposition of his being absent at Congress. We wish such acknowledgment may be made, accompanied with some expressions of gratitude towards those from whom the supplies came, without mentioning who they are supposed to be. You mention the arrival of the *Amphitrite* and *Mercury*, but say nothing of the cargoes.

Mr. Hodge is discharged from his imprisonment, on our solicitation, and his papers restored to him; he was well treated while in the Bastille. The charge against him was deceiving the Government in fitting out Cunningham from Dunkirk, who was represented as going on some trading voyage, but as soon as he was out began a cruise on the British coast, and took six sail. He is got safe into Ferrol.

We have received and delivered the commissions to Mr. William Lee and Mr. Izard. No letters came with them for those gentlemen with information how they are to be supported on their stations. We suppose they write to you, and will acquaint you with their intentions.

Some propositions are privately communicated to us, said to be on the part of Prussia, for forming a commercial company at Embden. We shall put them into the hands of Mr. Lee.

We do not see a probability of our obtaining a loan of two millions sterling from any of the money-holders in Europe, till our affairs are, in their opinion, more firmly established. What may be obtained from the two Crowns, either as a loan or a subsidy, we shall probably know on the return of the couriers, and we hope we shall be able to write more satisfactorily on those heads by Captain Young, who will by that time be ready to return. With respect, &c.

BENJAMIN FRANKLIN,
SILAS DEANE,
ARTHUR LEE.

Extract of a letter from Arthur Lee to the Committee of Foreign Correspondence.

A letter was received from Monsieur Gardoqui, at Bilbao, intimating an expectation of returns from you for what was transmitted to you through their House; but, upon application to his Court, I am again authorized to assure you that, for the supplies already sent, no return was expected.

No. 26.

Extract from the same to the same, dated

PARIS, December 18, 1777.

We have accepted five bills drawn on us by the President, in favor of some returned officers, and shall pay them punctually. But as we receive no remittances for our support, and the cargo* of the *Amphitrite* is claimed from us by Mr. Beaumarchais, and we are not certain that we can keep it, we hope Congress will be sparing in their drafts, except for the interest mentioned in our former letters, of which we now repeat the assurances of payment; otherwise we may be much embarrassed, and our situation rendered very uncomfortable.

No. 27.

Copy of a letter of the American Commissioners to Messrs. Berard, Freres, at Port L'Orient.

PASSY, December 24, 1777.

GENTLEMEN: M. de Beaumarchais having satisfied us that he had a prior claim upon the cargo of the *Amphitrite*, according to an agreement between him and Mr. Deane, we desire you to deliver the cargo, or the produce, into his hands, or into those of his agent, at his disposition, without any deduction for the advances you may have made on account of the freights. We are, &c.

B. FRANKLIN,
SILAS DEANE,
ARTHUR LEE.

No. 28.

Letter of Louis XVI. to Charles III., King of Spain, (taken from General History of French Diplomacy,) dated

JANUARY 8, 1778.

SIR, MY BROTHER AND UNCLE: The sincere desire which I feel of maintaining the true harmony and unity of our system of alliance, which must always have an imposing character for our enemies, induces me to state to your Majesty my way of thinking on the present condition of affairs. England, our common and inveterate enemy, has been engaged for three years in a war with her American colonies. We had agreed not to meddle with it; and, viewing both sides as English, we made our trade free to the one that found most advantage in a commercial intercourse. In this manner, America provided herself with arms and ammunition, of which she

* Of rice and indigo from the United States.

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was destitute. I do not speak of the succors of money and other kinds which we have given her, the whole ostensibly on the score of trade. England has taken umbrage at these succors; and has not concealed from us that she would be revenged, sooner or later. She has already, indeed, seized several of our merchant vessels, and refused restitution. We have lost no time on our part. We have fortified our most exposed colonies, and placed our fleets upon a respectable footing, which has contributed to aggravate the ill-humor of England.

Such was the posture of affairs in November last. The destruction of the army of Burgoyne, and the straitened condition of Howe, have totally changed the face of things. America is triumphant, and England cast down. But the latter has still a great unbroken maritime force, and the hope of forming a beneficial alliance with her colonies; the impossibility of their being subdued by arms being now demonstrated. All the English parties agree on this point. Lord North has himself announced, in full Parliament, a plan of pacification for the first session; and all sides are assiduously employed upon it. Thus, it is the same to us whether this minister or any other be in power. From different motives, they join against us, and do not forget our bad offices. They will fall upon us in as great strength as if the war had not existed. This being understood, and our grievances against England notorious, I have thought, after taking the advice of my counsel, and particularly that of M. d'Ossun, and having consulted upon the propositions which the insurgents make, that it was just and necessary to begin to treat with them, to prevent their reunion to the mother country. I lay before your Majesty my views of the subject. I have ordered a memoir to be submitted to you, in which they are presented more in detail. I desire eagerly that they should meet your approbation. Knowing the weight of your probity, your Majesty will not doubt the lively and sincere friendship with which I am, &c.

No. 29.

Copy of Count Lauragais's testimonial.

PARIS, February 8, 1778.

I was present in Mr. Arthur Lee's chambers in the Temple, London, some time in the Spring of the year 1776, when Mr. Caron de Beaumarchais made offers to Mr. Lee to send supplies of money and stores, through the Blands, to the Americans, to the amount of two hundred thousand louis d'or; and he said he was authorized to (*pour faire*) those proposals by the French Court.

B. C. D. LAURAGAIS.

Arthur Lee to the Secret Committee of Congress, dated

PARIS, February 15, 1778.

I have before written to you the reason I had to conceive that M. de Beaumarchais's demands of payment for the supplies furnished in the Amphitrite, Mercury, and Flomand, are unjust. The

above testimonial from Count Lauragais will corroborate what I informed you relative to his having himself proposed the supplies to me as a subsidy from the Court. Mr. Wilkes knows it more accurately, but his situation prevents him from giving it under his hand. The ministry, as you will see by your joint letter, have often given us to understand that we were not to pay for them; yet still Mr. Beaumarchais, with the perseverance of such adventurers, persists in his demand. He alleges some promise or agreement made with Mr. Deane. I should suppose Mr. Deane would have apprized you of it if any such exists; but certainly Dr. Franklin and myself are kept so much in the dark about the existence of such agreement as to expose us to much unnecessary plague from this Mr. Beaumarchais, who I cannot think has any right to make the demand in question. A copy of the above declaration has been given to Count Maurepas; but I have not heard his sentiments upon it.

No. 30.

Extract of a letter from Messrs. Franklin, Lee, and Deane, to the Secret Committee of Congress.

PARIS, February 16, 1778.

We have, to avoid disputes at a particular time, delivered up the cargo * * * brought by the Amphitrite to Mr. Beaumarchais. We hear that he has sent over a person to demand a great sum of you on account of arms, ammunition, &c. We think it will be best for you to leave that demand to be settled by us here, as there is a mixture in it of public and private concern, which you cannot so well develop.

No. 31.

Extract of a letter from Messrs. Franklin, Lee, and Adams, to the Secret Committee of Congress.

PASSY, July 29, 1778.

We have not yet seen Mr. Beaumarchais, but the important concern with him shall be attended to as soon as may be.

No. 32.

Messrs. Franklin, Lee, and Adams, to the Count de Vergennes.

PARIS, September 10, 1778.

SIR: By some of the last ships from America, we received from Congress certain powers and instructions, which we think it necessary to lay before your excellency, which we have the honor to do in this letter.

On the 13th of April last, Congress resolved "that the commissioners of the United States in France be authorized to determine and settle with the house of Roderique Hortales & Co. the compensation, if any, which, by them, for the use of the United States, previous to the 14th day of April, 1778, over and above the commission allowed them in the sixth article of the proposed contract between William Ellery, James Forbes

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W. H. Drayton, and William Duer, Esqs., Committee of Congress, and John Baptiste Lazarus Thevenau de Francis," &c.

In the letter of the Committee of Commerce to us, in which the foregoing resolution was enclosed, the committee express themselves thus: "This will be accompanied by a contract entered into between John Baptiste Lazarus de Thevenau de Francis, agent of Peter Augustin Caron de Beaumarchais, representative of the house of Roderique Hortales & Co., and the Committee of Commerce. You will observe that their accounts are to be fairly settled, and what is justly due paid for us; as, on the one hand, Congress would be unwilling to evidence a disregard for, and contemptuous refusal of, the spontaneous friendship of His Most Christian Majesty, so, on the other, they are unwilling to put into the private pockets of individuals what was graciously designed for the public benefit. You will be pleased to have their accounts liquidated, and direct, in the liquidation thereof, that particular care be taken to distinguish the property of the Crown of France from the private property of Hortales & Co., and transmit to us the accounts so stated and distinguished. This will also be accompanied by an invoice of articles to be imported from France, and resolves of Congress relative thereto. You will appoint, if you should judge proper, an agent or agents to inspect the quality of such goods as you may apply for to the house of Roderique Hortales & Co., before they are shipped, to prevent any impositions."

On the 16th of May last Congress resolved "that the invoice of articles to be imported from France, together with the list of medicines approved by Congress, be signed by the Committee of Commerce and transmitted to the commissioners of the United States at Paris, who are authorized and directed to apply to the house of Roderique Hortales & Co. for such of the said articles as they shall have previously purchased or contracted for; that copies of the invoice be delivered to Mr. Francis, agent for Roderique Hortales & Co., together with a copy of the foregoing resolution; and that the articles to be supplied by the house of Roderique Hortales & Co. be not insured, but that notice be given to the commissioners in France that they may endeavor to obtain a convoy for the protection thereof."

We have the honor to enclose to your Excellency a copy of the contract made between the committee and Mr. Francis, a copy of Mr. Francis's powers, and a copy of the list of articles to be furnished according to that contract, that your Excellency may have before you all the papers relative to this subject. We are under the necessity of applying to your Excellency upon this occasion, and of requesting your advice.

With regard to what is past, we know not who the persons are who constitute the house of Roderique Hortales & Co., but we have understood, and Congress has ever understood, and so have the people of America in general, that they were under obligations to His Majesty's good will for the greater part of the merchandise and warlike

stores heretofore furnished under the firm of Roderique Hortales & Co. We cannot discover that any written contract was ever made between Congress or any agent of theirs and the house of Roderique Hortales & Co., nor do we know of any living witness, or any other evidence, whose testimony can ascertain to us who the persons are that constitute the house of Roderique Hortales & Co., or what were the terms upon which the merchandise and munitions of war were supplied, neither as to the price nor the time or conditions of payment.

As we said before, we apprehend that the United States hold themselves under obligations to His Majesty for all these supplies, and we are sure it is their wish and their determination to discharge the obligation to His Majesty as soon as Providence shall put it in their power. In the mean time, we are ready to settle and liquidate the accounts according to our instructions, at any time and in any manner which His Majesty and your Excellency shall point out to us.

As the contract for future supplies is to be ratified or not ratified by us, as we shall judge expedient, we must request your Excellency's advice as a favor upon this head, and whether it would be safe or prudent in us to ratify it, and in Congress to depend upon supplies from this quarter; because, if we should depend upon this resource for supplies, and be disappointed, the consequences would be fatal to our country.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

His Excellency COUNT DE VERGENNES.

To all whom it may concern.

Whereas Roderique Hortales & Co., of Paris, have shipped, or caused to be shipped, or laden on board sundry ships or vessels, considerable quantities of cannon, arms, ammunition, clothing, and other stores, most of which have been safely landed in America, and delivered to the agents of the United States for the use and service thereof: and whereas the said Roderique Hortales & Co. are willing and desirous to continue supplying these States with cannon, mortars, bombs, arms, ammunition, clothing, and every sort of stores that may be wanting or required, and also with specie, provided satisfactory assumption be made and assurance given for the payment in France of the just cost, charges, and freight of the cargoes already shipped, as well as those to be hereafter shipped, and of specie to be advanced: and whereas some cargoes of American produce have already been shipped to the address of Roderique Hortales & Co., or their assigns, for sale on account of the United States of America, the net proceeds whereof are to be applied in part to the discharge of their claims:

Now know ye, that John Baptiste Lazarus Thevenau de Francis, agent of Mr. Peter Augustin Caron de Beaumarchais, as representative of the house of said Roderique Hortales & Co., by him

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especially appointed and empowered to act fully and effectually in all things on his behalf, as appears by a certain letter of attorney or instrument of writing, bearing date the 10th day of September, A. D. 1777, a copy whereof is hereunto annexed, doth, for and on behalf of said Hortales & Co., represented by Mr. Beaumarchais as aforesaid, in virtue of the powers in him vested, contract, agree, and engage to and with the Hons. William Ellery, James Forbes, William Henry Drayton, and William Duer, Esqs., a Committee of Commerce, properly appointed and authorized by the delegates of the United States of America in Congress assembled, to enter into, execute, ratify, and confirm this contract, for and on behalf of the said United States, as follows:

1st. That the costs and charges of the several cargoes already shipped by the said Roderique Hortales & Co., shall be fairly stated at the current prices and usual mercantile charges in France, of the dates at which they were shipped.

2d. That the freight of the said cargoes shall be charged agreeably to the contract made by and between Mr. Beaumarchais, Mr. Silas Deane, and Mr. Monthieu.

3d. That all orders for cannon, mortars, bombs, arms, ammunition, clothing, or other stores, which may hereafter be transmitted to Messrs. Roderique Hortales & Co., or delivered to their agents in America by the said committee, or any other persons properly authorized by Congress to transmit or deliver such lists or orders, shall be executed and shipped with all possible despatch.

4th. That all articles to be hereafter shipped to America, in virtue of this contract, shall be provided as nearly to the orders as possible, at not higher than the current prices, and attended with the most moderate charges, not higher than the usual mercantile charges of the place from whence they are exported.

5th. That good ships shall be chartered or bought on the most moderate terms for transporting the stores to America, and carrying back such cargoes as the committee shall choose to ship in them.

6th. That agents appointed under the authority of Congress, shall have free liberty to inspect the quality and require the prices of all articles to be shipped for the account of the United States, with power to reject such as they judge unfit or too highly charged; they shall also be party in the charters and purchases of ships to be employed in this service.

7th. That bills on the house of Roderique Hortales & Co., aforesaid, for twenty-four millions of livres tournois annually, shall be duly honored and paid; the bills to be drawn at double usance, and at the following periods, viz: in the months of May, July, September, November, January, and March, for four millions each two months.

In consideration whereof, the said William Ellery, James Forbes, William Henry Drayton, and William Duer, Esq., commercial committee of Congress, by virtue of the powers and authorities delegated to them by the Congress, do, for and on behalf of the said United States, covenant, agree,

and engage with the said Roderique Hortales & Co., by their said agent, as follows:

1st. That remittances shall be made by exports of American produce and otherwise to the said Roderique Hortales & Co., or their agent, for the express purpose of discharging the debt already justly due, or hereafter to become justly due, in consequence of this agreement.

2d. That all cargoes of merchandise shipped on account of the United States for France, and appropriated towards the discharge of the said debt, shall be addressed to the house of Roderique Hortales & Co., or their assigns, for sale; subject, however, to the inspection and control of an agent appointed under the authority of Congress, who shall have liberty to inspect the quality of such merchandise, assent to or reject the prices offered, postpone the sales, and do every thing for the interest of his constituents.

3d. That the customary interest of France, not exceeding six per cent. per annum, shall be allowed on the debt already due, or that from time to time may be due, to the said Roderique Hortales & Co. in virtue of this agreement, computing the interest on money from the time of its being paid, and on goods by them exported from the usual periods of commercial credits on such goods.

4th. That any payments of continental currency in America, required by the said Roderique Hortales & Co., or their agents, and agreed to by Congress, shall be computed at the current or equitable course of exchange at the date of the payment, and interest be discounted on the amount from that date.

5th. That the remittances to be made for the purpose of extinguishing the debt now due, or to become due, to the said Roderique Hortales & Co., shall be made at such times and seasons as shall be most safe and convenient for the American interest, but are to continue until the entire debt, principal and interest, shall be fully and fairly discharged.

6th. That a commission of two and a half per centum shall be allowed to the said Roderique Hortales & Co. on the amount of the invoices, freight, or other charges and moneys paid and disbursed by them for account of the United States.

7th. That the customary commissions in France shall be also allowed the said Roderique Hortales & Co. on the amount of all payments made to them on account of the United States.

Provided always, That the seventh article of this agreement, respecting the annual supply of twenty-four millions of livres, shall not be considered as absolutely binding upon either of the parties to this contract, unless the same shall be ratified by Roderique Hortales & Co. and the commissioners of the United States at Paris; for which purpose it is agreed to be submitted to them, anything herein contained to the contrary notwithstanding.

But it is nevertheless to be understood that the United States may and shall have liberty to draw, in the course of five or six months from the date

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hereof, upon the said Roderique Hortales & Co. for the sum of one hundred thousand pounds sterling, equal to two million three hundred thousand livres tournois, which shall be duly paid.

In witness whereof, the contracting parties have hereunto set their hands and seals this sixteenth day of April, in the year of our Lord one thousand seven hundred and seventy-eight.

J. B. L. T. DE FRANCIS,
WILLIAM ELLERY,
JAMES FORBES,
WILLIAM H. DRAYTON,
WILLIAM DUER.

Signed, sealed, and delivered in presence of
CHARLES THOMSON,
Secretary of Congress.

Copy of the powers given to John Baptiste Lazarus Theveneau de Francis.

Before the counsellors of the King, the notaries of the court-house of Paris, undersigned, was present Mr. Pierre Augustin Caron de Beaumarchais, representing in France the house of Roderique Hortales & Co., living in the city of Paris, in Old Temple street, and parish of St. Gervais, who, by these presents, did make and constitute his procurator general Mr. John Baptiste Lazarus Theveneau de Francis, just about to embark for America, to whom he gives power, for and in the name of the said house of Roderique Hortales & Co., to manage and administer all the affairs of the said house and company, as well actively as passively, and consequently to solicit and recover all debts relative to all the cargoes, past, present, and future, sent by the said house to America; to receive all moneys and make all purchases relative to the returns of the said cargoes, and to pay all expenses relative to them; to settle all accounts with correspondents of the said house of Roderique Hortales & Co., whether upon invoices or otherwise; to call, if necessary, for the reciprocal correspondence, registries, and accounts current; to debate the interests of the said constituent and company; to allow the articles in the said accounts; to close and settle them by receipts of every kind; to give, by the said constituted procurator, all quittances, discharges, and valid liquidations, either for specie, merchandise, or produce; and to accept all bills and orders drawn by him; in default or refusal of settlement, and after settlement made, to do, in the name of the said constituent and company, all conservatory acts, pursuits, and necessary works; to appear before all judges who may be concerned, to present demands, and to pursue them effectually to final judgment; to treat, compose, and transact at the prices, charges, clauses, and conditions which the said constituted procurator shall judge most useful to the interests of the said constituent and company; to make all oppositions and arrests that shall be necessary, in case of bodily restraint, to carry it into execution; to give discharges; to consent to all things; to stop processes; to constitute procurators and

lawyers in any cause; to propose and agree to arbitrations and arbiters; to choose his residence; and, in general, to manage for the greatest interest of the said constituent and his house whatever circumstances shall require not provided for in these presents, and without having need of more special power; the aforesaid constituent promising to acknowledge all agreeable, until revocation of this power, to which also shall be submitted all treaties made or to be made with the said constituted procurator, whether anterior or posterior to these presents; and the said constituted procurator being obliged, as is just, to render accounts of his mission the most exactly, faithfully, and legally that may be.

Made and passed at Paris, at the Studies, in the year one thousand seven hundred and seventy-seven, the tenth day of September; and a minute of these presents, lodged with M. Mornet, one of the undersigned notaries, hath been signed. Sealed the same day.

DE MAUFORT,
MORNET.

The above instrument was executed by a public officer in my presence.

Attest:

S. DEANE.

Extract of a letter from the Count de Vergennes to Mr. Girard.

The plenipotentiaries (Dr. Franklin and his colleagues) have just addressed to me an official note, which embraces two objects: the first concerning the settlement of the account of M. de Beaumarchais, under the name of the house of Roderique Hortales & Co.; and the second concerning the ratification of the contract which Congress, or rather the Committee of Commerce in their name, have formed with the Sieur Theveneau de Francis, agent of the Sieur Caron de Beaumarchais. Dr. Franklin and his colleagues wished to know the articles which have been furnished by the King, and those furnished by M. de Beaumarchais on his own account; and they intimate that Congress are persuaded that all, or at least a great part of what has been sent forward, is on account of His Majesty. In reply, I have informed them that the King has furnished nothing; that he simply permitted M. de Beaumarchais to provide himself from his arsenals, on condition of replacing the articles; and, further, that I would with pleasure interpose to prevent them from being pressed for the reimbursement of the articles of a military nature.

With respect to the contract formed with the Sieur Francis, the commissioners have the power of ratifying or rejecting it; and they apply for my advice as to what they should do. As I do not know the house of Roderique Hortales & Co., and cannot undertake for them, it is impossible for me to form an opinion of their solidity or punctuality in fulfilling their engagements. You will be pleased, sir, to communicate these two replies to Congress. I am persuaded that they will feel the justice of them.

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No. 33.

Extract of a letter from Messrs. Franklin, Lee, and Adams, to the Secret Committee of Congress, dated

PASSY, January 7, 1778.

We are very unhappy that we are not able to send to Congress those supplies of arms, ammunition, and clothing, which they have ordered; but it is absolutely impossible, for want of funds; and Mr. Beaumarchais has not yet informed us whether he will execute the agreement made for him with you or not.

No. 34.

Extract of a letter from Dr. Lee to the Secret Committee of Congress, dated

PARIS, January 5, 1779.

We wrote to Mr. Beaumarchais, upon our receiving your letter and the agreement with his supposed company, that we were ready to settle accounts with him whenever he chose. He has made no answer.

No. 35.

Extract of a letter from the same to the same, dated

PARIS, February 25, 1779.

Mr. Deane is entirely at a loss to understand what I mean by saying almost everything remained to be paid for. I will tell him of some gross sums, which may satisfy him without descending to a multitude of lesser:

| | | |
|---------------------------|---|-----------|
| Mr. Beaumarchais's demand | - | 6,000,000 |
| Mr. Monthieu's | - | 674,000 |
| Mr. Williams's | - | 300,000 |

6,974,000

No. 36.

Extract of a letter from Arthur Lee to the Chairman of the Secret Committee, dated

APRIL 20, 1779.

Three months before Mr. Deane's arrival, Mr. Beaumarchais settled with me in London the sending these supplies of money and munitions of war by the Cape, under the firm of Hortales & Co., and that I should apprise Congress of it, which I did by Mr. Story and other opportunities, as the gentlemen of the secret committee know. The very despatches by Mr. Carmichael, which Mr. Deane stands charged with having opened, and most certainly detained, gave also, if my memory does not much deceive me,* the same intelligence. Upon Mr. Beaumarchais's return to Paris, he wrote me several times concerning these supplies, mentioning the difficulties which are in the execution, from the timidity of the Court, but that he was putting it into the mercantile train, which would soon overcome all difficulties. I

* My situation in London prevented me from keeping copies of my despatches, which might have been evidence against my life.

did not fail to press the despatch of them, and proposed, too, the sending some ships of war to protect our coast, exactly similar to what we were afterwards instructed by Congress to obtain.

I do not state this to assume any merit to myself for these supplies. I had none. Mr. Beaumarchais sought me out in London. He found me by means of Mr. Wilkes, and communicated to me what I was to convey to Congress; that the sum of two hundred thousand louis d'or from this Court was ready for our support. It was, therefore, no address of mine that procured this aid. I was only the instrument of conveying this intelligence. As far as I know, the merit is due to Mr. Beaumarchais. I never refused it to him. But I objected to his making demands directly contrary to what he had repeatedly assured me, and not only desired but urged me to report to Congress. I did so, and I never retract one iota of that information.

When the business was thus settled and in this train, Mr. Deane arrived.

No. 37.

Extract of a letter from B. Franklin to Robert Morris, Esq., dated

PASSY, August 12, 1782.

The plan you intimate for discharging the bills in favor of Beaumarchais, though well imagined, was impracticable. I had accepted them, and he had discounted them, or paid them away, or divided them among his creditors. They were therefore in different hands, with whom I could not manage the transactions proposed. Besides, I had paid them punctually when they became due, which was before the receipt of your letter on that subject. That he was furnished with his funds by the Government here, is a supposition of which no foundation appears. He says it was by a company he had formed; and when he solicited me to give up a cargo in part of payment, he urged, with tears in his eyes, the distress himself and associates were reduced to by our delay of remittances. I am glad to see that it is intended to appoint a commissioner to settle all our public accounts in Europe. I hope he will have better success with M. Beaumarchais than I have had. He has often promised solemnly to render me an account in two or three days. Years have since elapsed, and he has not yet done it. Indeed, I doubt whether his books have been so well kept as to make it possible.

No. 38.

Extract of a letter from Robert Morris, Esq., to the Minister of France, dated

JANUARY 13, 1783.

As to M. de Beaumarchais's bills, I expected that some arrangements might have been taken with relation to them, according to our conversations; for, although you declared that you had no instructions on that subject, yet you saw, with me, that our funds would not bear such a deduction, and the line of conduct which you advised

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was precisely that which I pursued, as I shall presently have occasion to mention.

Extract from the same letter.

It was not, therefore, until the investigation of Mr. Grand's accounts that I was struck with the deficiency above mentioned, and which arose from the difference of one million due on the former transactions more than I had calculated, and two millions and a half to Mr. Beaumarchais. The moneys which I supposed to be at my sole disposal were, I found, subject to Mr. Franklin's order, and therefore Mr. Grand, instead of six millions, possessed only two and a half, to answer my bills drawn in 1782. I had written to Dr. Franklin in the manner agreed between us as to M. de Beaumarchais, but the money was paid before the letter arrived. I should not, however, do that justice to Mr. Franklin which I ought, if I did not observe that I think he was perfectly right in causing these bills to be paid. You will consider, sir, that they had been drawn in 1779, and negotiated for three years through different parts of Europe and America, on the public faith and credit of the United States. It is a moderate calculation to suppose that a thousand different people were interested in the sum of three and a half millions; protesting the bills, therefore, would have sent them back again from one person to another, affixing a stigma on our character wherever they went.

No. 39.

Extract of a contract concluded on the 25th of February, 1783, between His Most Christian Majesty and the United States of North America, signed by Count de Vergennes and Benjamin Franklin.

ARTICLE 2. For better understanding the fixing the periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes:

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title "of gratuitous assistance from the pure generosity of the King;" three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount in the whole to nine millions of livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

No. 40.

Extract of a letter from B. Franklin to Mr. Grand, Banker at Paris, dated

PHILADELPHIA, July 11, 1786.

I send you, enclosed, some letters that have passed between the Secretary of Congress and me, respecting three millions of livres, acknowledged to have been received before the treaty of

February 17, 1778, as *don gratuit* from the King, of which only two millions are found in your account, unless the million from the farmers general be one of the three. I have assured that all the money received from the King, whether as loan or gift, went through your hands; and as I always looked on the million we had of the farmers general to be distinct from what we had of the Crown, I wonder how I came to sign the contract acknowledging three millions of gift, when in reality there were only two, exclusive of that from the farmers. And as both you and I examined the project of the contract before I signed it, I am surprised that neither of us took notice of the error. It is possible that the million furnished ostensibly by the farmers was in fact a gift of the Crown; in which case, as Mr. Thomson observes, they owe us for the two ship loads of tobacco they received on account of it. I must earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.

No. 41.

Letter from Mr. Durival to Mr. Grand.

VERSAILLES, August 30, 1786.

SIR: I have received the letter which you did me the honor to write the 28th of this month, touching the advance of a million which you say was made by the general farm to the United States of America, the 3d of June, 1777. I have no knowledge of that advance; what I have verified is, that the King, by the contract of the 25th February, 1783, has confirmed the gratuitous gift which His Majesty has previously made of the three millions hereafter mentioned, viz:

One million delivered by the royal treasury the 10th of June, 1776, and two other millions advanced also by the royal treasury in 1777, on four receipts of the deputies of Congress, of the 17th January, 3d April, 10th June, and 15th October of the same year.

This explanation will, sir, I hope, resolve your doubt touching the advance of the 3d of June, 1777. I further recommend to you, sir, to confer on this subject with Mr. Girard, who ought to be better informed than we, who have no knowledge of any advances but those made by the royal treasury. I have the honor to be, &c.

DURIVAL.

No. 42.

From the same to the same.

VERSAILLES, September 5, 1786.

I laid before the Count de Vergennes the two letters which you did me the honor to write touching the three millions, the free gift of which the King has confirmed in favor of the United States of America.

The Minister, sir, observed that this gift has nothing to do with the million which the Congress may have received from the general farm in 1777; consequently, he thinks that the receipt

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which you desire may be communicated to you cannot satisfy the object of your view, and that it would be useless to give you the copy which you desire. I have the honor to be, &c.

DURIVAL.

No. 43.

Copies of sundry papers relative to the lost million.

PARIS, Sept. 9, 1786.

DEAR SIR: The letter you honored me with, covered the copies of three letters which Mr. Thomson wrote you to obtain an explanation of a million, which is not to be found in my accounts. I should have been very much embarrassed in satisfying him, and proving that I had not put that million in my pocket, had I not applied to Mr. Durival, who, as you will see by the answer enclosed, informs me that there was a million paid by the royal treasury on the 10th of June, 1776. This is the very million about which Mr. Thompson inquires, as I have kept an account of the other two millions, which were also furnished by the royal treasury, viz: the million in June and April, 1777; the other in July and October of the same year, as well as that furnished by the farmers general in June, 1777.

Here, then, are the three millions exactly, which were given by the King before the Treaty of 1778, and that furnished by the farmers general. Nothing, then, remains to be known but who received the first million in June, 1776. It could not be by me, who was not charged with the business of Congress until January, 1777. I, therefore, requested of Mr. Durival the copy of the receipt for the one million. You have the answer which he returned to me. I wrote to him again, renewing my request; but as the carrier is just setting off, I cannot wait to give you his answer; but you will receive it in my next, if I receive one. In the meanwhile I beg you will receive the assurance of the sentiments of respect with which I have the honor to be, &c.

GRAND.

DR. B. FRANKLIN.

No. 44.

VERSAILLES, Sept. 10, 1786.

I have laid before M. the Count de Vergennes, as you, sir, seem to desire, the letter which you did me the honor to write yesterday. The Minister persists in the opinion that the receipt, the copy of which you request, has no relation with the business with which you were intrusted on behalf of Congress, and that this piece would be useless in the new point of view in which you have placed it. Indeed, sir, it is easy for you to prove that the money in question was not delivered by the royal treasury into your hands, as you did not begin to be charged with the business of Congress until January, 1777, and the receipt is of the date of 10th June, 1776.

I have the honor to be, &c.

DURIVAL.

MR. GRAND.

No. 45.

Postscript from Mr. Grand.

PARIS, September 12, 1786.

I hazard a letter, in hopes it may be able to join that of the 9th at L'Orient, in order to forward to you, sir, the answer I have just received from Mr. Durival. You will therefore see, sir, that notwithstanding my entreaty, the Minister himself refuses to give me the copy of the receipt which I asked for. I cannot conceive the reason for this reserve, more especially since, if there has been a million paid, he who received it has kept the account, and must in time be known.

I shall bear with pleasure that you have been more fortunate in this respect in America than I have been in France, and repeat to you the assurance of the sentiments of regard with which

I have the honor to be, &c.

GRAND.

No. 46.

Letter from Dr. Franklin to Charles Thomson, Esq.
PHILADELPHIA, January 25, 1787.

DEAR FRIEND: You may remember that in the correspondence between us in June last, on the subject of a million, *free gift* of the King of France, acknowledged in our contract to have been received, but which did not appear to be accounted for in our banker's accounts, unless it should be the same with the million said to be received from the farmers general, I mentioned that an explanation might doubtless be easily obtained by writing to Mr. Grand or Mr. Jefferson. I know not whether you have accordingly written to either of them, but, being desirous that the matter should be speedily cleared up, I wrote myself to Mr. Grand a letter upon it, of which I now enclose a copy, with his answers, and several letters from Mr. Durival, who is *Chef du Bureau des Fonds* (and has under his care *la finance*) *des Affaires Etrangères*. You will see by these letters that the million in question was delivered to somebody on the 10th June, 1776, but it does not appear to whom. It is clear that it could not be to Mr. Grand, nor to the commissioners from Congress, for we did not meet in France until the end of December, 1776, or beginning of January, 1777; that banker was not charged before with our affairs. By the Ministers refusing him a copy of the receipt, I conjectured it must be money advanced for our use to Beaumarchais, and that it is a *mystère du cabinet*, which perhaps should not be further inquired into, unless necessary to guard against more demands than may be just from that agent; for it may well be supposed that, if the Court furnished him the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain.

Pray tell me, has he dropped his demands, or does he still continue to worry you with them?

I should like to have these original letters returned to me, but you may, if you please, keep copies of them.

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It is true the million in question makes no difference in your accounts with the King of France; it not being mentioned or charged as so much lent and to be repaid, but stated as freely given. Yet, if it was put into the hands of any of your agents, or Ministers, they ought certainly to account for it. I do not recollect whether Mr. Deane had arrived in France before the 10th June 1776; but, from his great want of money when I joined him a few months after, I hardly think it could have been paid him.

Possibly Mr. Jefferson may obtain the information though Mr. Grand could not; and I wish he may be directed to make the inquiry, as I know he would do it directly; I mean, if, by Hortales & Co.'s further demands, or for any other reason, such an inquiry should be thought necessary.

I am ever, my dear friend, &c.

B. FRANKLIN.

CHARLES THOMSON, Esq.

No. 47.

The Minister Plenipotentiary of the United States to the French Republic, to the Commissary of Exterior Relations.

SAINPORT, (3d Messidor,)

June 21, 1794.

During the last war, there were furnished by France to the United States of America sundry sums of money, either as loans or gratuities.

The first of these advances was one million. It appears to have been made on the 10th of June, 1776, and is charged as part of the gratuities; but it is not known to whom it was paid, or for what purpose expended. Doctor Franklin, in adjusting the accounts of the United States with the French Minister, neglected to demand information on this subject; and afterwards, when the banker of the United States applied, in the months of August and September, 1786, to Mr. Durival, he was answered that his demand had been communicated to the Count de Vergennes, and that this Minister persisted in believing that the receipt in question could be of no use to the banker, since he was not charged with the pecuniary affairs of the United States before the month of January, 1777, and that this payment had been made on the 10th of June, 1776. Our Ministers were also told that it was unnecessary to insist on information regarding a payment which did not form a part of the sums to be reimbursed by the United States. Doctor Franklin concluded that this advance had been placed in the hands of the Sieur Beaumarchais, and that it was a mystery of the Cabinet, an explanation of which ought to be a matter of indifference to us, unless it should be necessary to oppose this sum against the claims of the Sieur Beaumarchais for supplies shipped by him to the United States.

This casualty has occurred, but, independent of it, you will perceive that the payment of it having been acknowledged by the United States, the receiver, whoever he may be, ought to render to them an account of its expenditure. Besides, mysteries serve too often no other purpose than

to hide dilapidations, of which the people are the victims.

It is, therefore, given me in charge to solicit a communication of the documents which relate to the free gift of one million made by France to the United States on the 10th of June, 1776. I believe they may be found amongst the papers of the Sieur Durival, then principal of the Office of Foreign Affairs; and I address myself to you on this occasion with the more confidence, as I am fully persuaded of the good-will of the French Government towards the United States.

GOUV. MORRIS.

No. 48.

The Commissary of Exterior Relations to the Minister Plenipotentiary of the United States.

LIBERTY, EQUALITY, FRATERNITY, OR DEATH.

AT PARIS, (19th Messidor,)

2d year of the Republic, one and indivisible.

By your letter of the 3d of this month, you requested a communication of the documents which relate to the employ of a million advanced to the United States on the 10th June, 1776.

I communicated this request to the Committee of Public Safety, which has been found to be due from its justice to give the satisfaction to the United States which had been refused to them by the Ministers under the old regime. In consequence of which, I have caused the necessary search to be made, and I enclose, herewith, a copy of a receipt, dated June 10, 1776, which appears to be the one necessary to the United States in adjusting their accounts.

Mystery, as you very well remark, does not suit two people united by all the ties of friendship and a common interest.

BUCHOT.

AT PARIS, June 10, 1776.

I have received from Monsieur Du Vergier, agreeably to the orders, transmitted to him, of Monsieur the Count of Vergennes, dated the 5th current, the sum of one million, for which I will account to my said Sieur Count de Vergennes.

CARON DE BEAUMARCHAIS.

Good for one million of livres tournois.

BUCHOT.

No. 49.

The Minister of Finance to Citizen De la Rue.

PARIS, 24th Fructidor, 8th year of the French Republic, one and indivisible.

I have communicated, citizen, to the treasury, and to the national accountant's office, the petition by which you ask, as being heir to Caron de Beaumarchais's estate, that a certificate be delivered to you, in order to prove that the payment of a million, said to have been made the 10th June, 1776, to Beaumarchais, by the *ci-devant* royal treasury for the United States of America, was never effected.

It results, from the information received by the

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director of the public treasury, that the account of the year 1776 was rendered by citizen Lavalette, senior ancient guard of the treasury, to the *ci-devant* chamber of accounts, where it was judged; and that the books and journals of that year, and of the subsequent years, have not been deposited at the treasury, but have remained in the custody of that ancient guard; therefore, the director has it not in his power to undertake the verification by you demanded. He declares, nevertheless, that if the payment of one million has been made the 10th June, 1776, it must have been carried as expenses, with the vouchers, in the accounts of that year.

As to the commissioners of the national account office, they have announced, by their letter of 12th instant, that they have ordered the most exact research to be made in the accounts of the *ci-devant* royal treasury of the year 1776, rendered by citizen Lavalette, ancient guard of the treasury, of the million which is thought to have been paid on the 10th of June for account of the United States of America; but that not a single article relative to that payment has been found in the said accounts, and in those subsequent.

Such is, citizen, the result of the researches which have been made on the subject of your petition. These informations must answer instead of the declaration which you wish for.

GAUDIER,
Minister of Finance.

PARIS, 8th Vendémiaire, 8th year.

The Minister of Exterior Relations certifies as true the signature of the Minister of Finance abovementioned.

CH. MAU. TALLEYRAND.

[L. s.] By the Minister:

D. HERMARA.

PARIS, Oct. 2, 1800.

The undersigned, Envoys Extraordinary and Ministers Plenipotentiary of the United States of America, certify, that the above signature of Ch. Mau. Talleyrand is that of the Minister of Exterior Relations of the French Republic.

OLIVER ELLSWORTH,
WILLIAM R. DAVIE.

SURVEY OF THE COAST.

[Communicated to the Senate, March 16, 1818.]
To the Senate of the United States: "

In compliance with a resolution of the Senate of the United States of the 3d of February last, requesting the President to cause to be laid before them "a statement of the progress made under the act to provide for surveying the coast of the United States, passed February 10, 1807, and any subsequent acts on the same subject, and the expenses incurred thereby," I transmit a report from the Secretary of the Treasury containing the information required.

JAMES MONROE.

WASHINGTON, March 16, 1818.

TREASURY DEPARTMENT, Feb. 28, 1818.

In obedience to a resolution of the Senate of the 3d instant, requesting the President of the United States to cause a statement of the progress made under the act to provide for surveying the coast of the United States, passed February 10, 1807, and any subsequent acts on the same subject, and the expenses incurred thereby, to be laid before the Senate, which has been referred by the President to this Department, the Secretary of the Treasury respectfully reports the enclosed communications to and from F. R. Hassler, and a statement of the sums which have been expended in the execution of that service.

Of the appropriations which have been made for this object, \$49,284 25 was on the 31st of December, 1810, carried to the credit of the surplus fund; and the further sum of \$29,720 57 was carried to the credit of the same fund in the year 1815, and the part of the \$50,595 45, now unexpended, which shall be unapplied on the 27th of April next, will be carried to the credit of that fund in the same manner, as the Treasury has no means of avoiding the operation of the law directing all appropriations which are not expended within two years from their respective dates to be carried to the credit of the surplus fund.

Deducting the sums which have been carried to the credit of the surplus fund, it appears that there has been expended, under the several acts directing the survey of the coast, the sum of fifty-four thousand one hundred and twenty-five dollars and twelve cents.

All which is respectfully submitted.

WM. H. CRAWFORD.

The PRESIDENT of the U. S.

TREASURY DEPARTMENT, Aug. 3, 1816.

SIR: The correspondence relative to your being employed as superintendent of the survey of the coast, under the act of Congress respecting that object, has been submitted to the President, and your services are engaged on the following terms:

1. The whole of your time, labor, talents, and attention shall be given to the work, as well in relation to the superintendence of the duties to be performed by military or naval officers and assistants, or by draughtsmen and engravers, as in relation to the parts of the work which are to be executed.

2. You will be provided with competent assistance of officers and men from the corps of engineers, and from the Navy, with tents and field equipage, with baggage wagons and horses; and you will have the free use of the public instruments and books for the purposes of the survey.

3. The parties of officers, men, and assistants, accompanying you will be ordered to conform to your instructions; and all the incidental expenses of the survey, which are of a public nature, will be defrayed by the Government; but your own personal expenses are to be defrayed by you, whether you are employed at home or abroad.

4. Funds will be placed from time to time,

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upon your requisitions, in the hands of the chief officer of the party accompanying you; to be disbursed, upon your order, in the payment of the expenses of a public nature, and to be accounted for by him at the Treasury once at least in every three months.

5. You will receive, in full of all your services, a compensation at the rate of \$3,000 per annum, and for all your personal expenses an allowance at the rate of \$2,000 per annum, to commence on the 18th day of June, 1816, and to be paid quarterly at the Treasury, upon your drafts.

6. You will make frequent reports of your progress to this Department, and deposit here all the surveys, draughts, notes, charts, maps, journals, and documents, in anywise belonging to the survey of the coast; and you will return the public instruments and books to such place as shall be directed, when they are no longer required for the business of the survey.

7. If at any time it should be necessary to explain the nature and extent of your employment, your communications to this Department, and particularly the article submitted by you on the 12th of July, 1816, will be resorted to.

It only remains to repeat the President's solicitude for a successful and speedy execution of the great national work which is thus confided to you, and to assure you of the esteem with which I am, sir, your most obedient servant,

A. J. DALLAS.

Mr. F. R. HASSLER, *Philadelphia.*

[The above conditions were assented to by Mr. Hassler, by letter, dated August 21, 1816.]

First Report to the Treasury Department of the United States upon the survey of the coast.

The settlement of my accounts upon my mission to London, for procuring the instruments for the survey of the coast, being completed on the 21st of July, 1816, I returned to Philadelphia, to communicate with the Secretary of the Treasury, Mr. Dallas, upon the beginning of the operations to activate the work of the survey.

Mr. Dallas wished me to proceed immediately, saying that I had no need of anything more than to request from General Swift, commander-in-chief of the United States engineers, the necessary military assistance; that Major Abert, of the topographical engineers, would accompany me, take the command of the military, and be provided with the necessary funds for the expenditures of a public nature occurring.

The first operation in a work of this kind is to find a proper and well-situated locality to measure a base line of from seven to ten miles in length, if possible, by which all the subsequent triangulations become calculable. Plains of such an extent of solid ground without impediments, are not frequent in any country; and the proper situating of the bases, to evolve a good and advantageous system of triangles from them, requires always much combination, particularly in countries yet much wooded.

It was, therefore, first of all, necessary for me

to reconnoitre such localities of the seashore and its neighborhood as, by a general knowledge of the country, might be most likely to present these requisites united, or at least approximate them the nearest.

Such a locality I hoped to find on the low shores of New Jersey or on Long Island, where, in the first place, the triangles should soon extend over New York bay by the means of the highlands of Neversink; or, in the second, over the Sound, by means of the hills of Long Island and Connecticut.

The 27th of July, I left Philadelphia, with the necessary instruments, intending to meet Major Abert in Mount Holly, New Jersey, to request him to accompany me in a tour to the northeastern seashore of this State. His not yet being provided with means and funds to assist me preventing him from coming, I attempted to proceed alone, but accidental impediment prevented also me, and proved to me, at this first outset, that it would be impossible to proceed in the intended work without that kind of assistance which I had required, namely, military.

I returned, therefore, in the high road from Trenton to New York, visiting the eminences which I thought might afford points of triangle to connect the head of the navigation of the Delaware with the New York bay, and attending to the situation of the roads, to see if any one of them might furnish a proper locality for the base line. The result, however, was reduced to the discovery of one well-situated point on the Sand hills about eight miles southwest of New Brunswick, which, projecting towards the eastern plains, is likely to give a good triangle point for the said connexion.

The 1st of August, I arrived at Gen. Swift's, in Brooklyn, on Long Island, to request assistance in soldiers and means of conveyance for the instruments, &c.; which, however, the situation of the military service did not enable him to assist me with. But, upon the General's friendly invitation, three cadets of the Military Academy, Messrs. Kurck, Ennet, and Newton, volunteered their services in the tour which I intended to make over Long Island and Connecticut, to visit Hempstead plains, which the General thought one of the most likely places for a base thereabout, and the hills on both sides of the Sound.

In the company of these young gentlemen I left Brooklyn the 6th of August; visited both shores of Long Island as far as Setauket, and particularly Hempstead plains, and the range of hills through the middle of the island; and, on Connecticut side, from Fairfield to New York.

The hills on Long Island are so much upon one line, and of so near equal elevation, that though some tops of them are free of woods, yet the next wooded hill always covers the view of all the others. Hempstead plains, though not very even, would, however, afford a good ground for the measurement of a base, but it lies too near the hills, so that a base could actually be measured, which would be the largest side of the first

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triangle, and therefore render its length useless. Hempstead Harbor hill, which is the only point presenting itself as a third point to the first triangle, lies only between three and four miles perpendicularly from the most distant line which could be measured in the plain. From this to a hill in Eastwoods, the proportion of the triangle would be advantageous, requiring only to cut way through the wood on the top of Hempstead Harbor hill; but then the next corresponding point which could be obtained would be about White Plains, near the boundary between New York and Connecticut; this lies so far off as to give a too acute-angled triangle.

From there, eastwards, the sides of the triangles crossing the Sound will become of considerable length, and it will require careful research to find distances on the same shore corresponding with them, because the elevations in Long Island are too much wooded, and those of Connecticut do not admit very distant views. The connexion between them might most likely succeed by connecting alternately a point on the hills with one on the shore.

On the west side, towards New York, the equality of the elevated lands northeast of the city will oblige to lay some of the principal points to the west side of the Hudson river, to form the connexion with the bay of New York. I arrived again in Philadelphia about the 18th of August, and stated, in my letter to the Treasury Department of that date, the necessity to continue reconnoitring till to Cape May, before a plan of operations could be formed for the survey of this part of the country.

In Philadelphia I gave directions upon some wood work to be made for the base measuring arrangements, and received other works that were done.

The cadets who had accompanied me having, of course, returned to the Military Academy, and General Swift and Major Abert not yet being provided with means to assist my further operations, (which means they expected, however, soon to obtain.) I employed the time from this to the 5th of September to effect the removal of my family to Newark, without detriment to the work of the survey.

I had directed Major Abert to meet me in South Amboy, with the instruments, (which I had left under the care of General Swift,) two soldiers, and the necessary conveyance. On his information that he was ready to repair to the place, I met him there on Sunday, the 8th September, provided with a small Jersey wagon, two horses which he had purchased, and two soldiers from the garrison of West Point.

The heavy storms of this month interrupted us here till the 16th, on which day I went to New York, to proceed by water to South Amboy, in order to take a view of the shores of New York bay and the Narrows. The 18th of September we proceeded on our tour over the Highlands of Neversink, Sandy Hook, and Shrewsbury, which I had intended to visit on my first outset from Philadelphia, and from which we

had lately been prevented by storms. The Neversink presented us again a chain of elevations of so near equal heights, that the woods on most of them impede greatly the view of one from the other. However, the beach and plain of Long Branch, south of Sandy Hook, appeared to promise better prospects for a base than Hempstead plains. We visited, therefore, all the remarkable hills west of it, and measured the angles of all the prominent points of the vicinity by always observing the whole circle of the horizon with the theodolite, as I had done already in my former excursion, attending particularly to such points as would direct upon the visible extent of the Long Branch shore from the hills which might become the points of the first triangle.

With similar inquiries we proceeded till south of Freehold, or Monmouth court-house, where an apparently lasting storm interrupted us. Our horses had suffered severely by travelling in the heavy sands and marshes; one of them was wounded, and the wagon needed some repairs. Major Abert and I parted, therefore, from one another, appointing to meet again four days after at New Brunswick, at which place we met again the 27th of September. We went to the point on Sand hill, which I had visited before, and put up a temporary signal; but haziness prevented us making any observations, and also to see this signal again from some hills south and east of it, which we visited under way to go to the seashore in an easterly direction, in search of points of connexion towards Trenton first, and again from Shrewsbury to the more southern shore; but, with the exception of a beacon hill between Cranberry and the Burnt tavern, no interesting hill or elevated point appeared; and from this latter place till to the seashore, which we met again at Beaver dams, (the head of Cranberry bay,) thick pine plains fully destroyed every expectation to find either an advantageous triangle point, or a locality for a base line, which remained, of course, yet our principal object, as Long Branch is much more limited than I should properly wish.

We continued our route from there southerly on the beach, outside the bay, until opposite Forked river, where we passed again on the main, having seen almost nothing but fogs and moschetoës. We continued on the main through pine barrens and cedar swamps until Tuckerton, from where we crossed again over to see the two beaches forming Little Egg Harbor inlet, and returned to the main at Leeds point, south of Mullico river, on which last place, under somewhat more favorable weather, we confirmed our former judgment, formed on the information collected, and what little we had been able to see, viz: that this country is unfit for a survey on an extensive scale, and can only be surveyed by secondary and detailed operations. This, therefore, indicates again, as the only possible route for the main triangulation, that from the Neversink, through New Jersey, in a southwest direction, to Trenton, Philadelphia, and Wilmington, which I had always had in contemplation as the most proper

Survey of the Coast.

and advantageous to the general accuracy and speed of the work. However, we continued our route on till Cape May island with regard to the views taken upon this subject.

The shores of the Delaware bay, particularly near its outlet into the sea, seemed, by a general view of their configuration, to hold out some expectations for the main object which we had in view—the finding of an advantageous base; but they were fallacious.

The Jersey shore presented nothing useful for the intended purpose, and only some projecting low points of land useful for a secondary triangulation, in the whole length, till up to Salem, which we were obliged to follow, on account of the impossibility to obtain a passage over the bay.

We crossed the Delaware opposite New Castle, and proceeded to Wilmington, where a consultation with Colonel McLane, collector of the State of Delaware, destroyed all hopes of better success on the western shore of the bay; we limited ourselves, therefore, to the visiting of a base of near three miles, measured by Major Roberdeau, from Port Penn northward, which could by no means answer our wishes, and, by giving us an idea of the nature of the ground, showed that we would lose nothing to trust to the informations obtained, and would spend our time better in a speedy return, to inquire nearer into the results of the reconnoissances hitherto made, if possible to take advantage of the remainder of the season to go into the detailed inquiries upon the base on Long Branch, &c. Besides this, the weather proved now so adverse as to frustrate even our desire of a nearer inquiry into the vicinity of Wilmington, where the hill on which Dr. Tilton lives seems to offer a very good point of junction from the Delaware to the head of Chesapeake bay, which is again the proper direction for the main triangulation, in like manner and for the same reasons as mentioned with respect to New York bay and the Delaware.

We arrived in Philadelphia the 16th of October, and I set off immediately for home, to make the necessary platting and comparison of the observations and informations collected in the different reconnoissances hitherto related.

The result of these inquiries was, that the plain of Long Branch was the only locality, of all those hitherto visited, giving any probability to allow a base line of only admissible length, to be measured upon in a position to admit a continuance of triangles. In this latter respect, it appeared superior to Hempstead plains, if Polhemus hill, between Colt's Neck and the Academy, would be allowed to be taken as first triangle point, which depended on the length and particular places of the beach visible from this hill; and for this I had some hopes, as a considerable angle was subtended between the northernmost visible point of the beach and the place where high pines made it certain that the view was lost towards the south; the lower intervening woods I hoped could be overseen by a high signal and an elevated stand for the instrument.

More difficulties seemed to be expected in the second necessary requisite, that of determining by the first triangles two points, one near the east, the other near the west end of the Neversink highland, which would be visible from one another, and present a sufficiently extensive line open to the view of the shores of New York bay, and for the further continuance of the survey north and east of it.

To inquire into the details of these two questions, it became necessary to go again to the place. I went, therefore, to New York, to request of General Swift the necessary assistance, and particularly that of the two soldiers who had accompanied us before, whom I wished to meet me either at Mount Pleasant, Middletown township, on the 8th of October, or at Long Branch on some future day. I wrote also to Major Abert, requesting his presence, with the necessary means of assistance, at the same places mentioned; or, in case he should not be able to come himself, to send me the wagon, with horses, the instruments, and some tools.

By an excursion from home, during the period I staid there, I had also visited the vicinity of Newark, Snake Hill, and Bergen Neck, to ascertain the probability of finding such points as could serve to connect from the Neversink, and through Staten Island and Long Island, the country northeast of New York, and the further hills of Long Island. This I think possible, in a satisfactory manner.

I went, the 4th of November, upon Staten Island and to ascertain the necessary points for the connexion just mentioned under way to the main object for which I had appointed to meet my assistants. I made use, for this intermediate part, of a small pocket instrument, lent to me by General Swift, and took my son with me as assistant. I found several very suitable points for my purpose upon the hills of the northern part of the island, among which, to make a choice will be the task of future arrangements, when the points south of the bay will be determined upon.

A few hours after I had arrived at Mount Pleasant, the appointed day, I received from Major Abert our wagon, with two hired horses, and a driver, together with the instruments and tools required. He could not come himself, for want of funds to defray the expenditures of a public nature which I had mentioned to him. The soldiers, also, did not come, and did not join me afterwards during the course of the following operations. I kept, therefore, my son with me all the time, to have at least his assistance, being much in need of it.

As the Fire Beacon hill, in Mr. Nott's farm, about one mile west of the wooded hill, particularly called Mount Pleasant by the seamen, is hid from the east by the wooded parts of the highlands, I fixed a signal to a tree upon the highest part of Mount Pleasant, which is thickly wooded, to ascertain its position and visibility from the places I was going to visit, as I hoped it might become the western point of the Neversink which I was in quest of; and I ob-

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served that, in an easterly direction, it would afford a view of the eastern part of the highlands at a considerable distance, if a way was cut for it through the wood on the spot. Then I proceeded to Polhemus hill, as the first point from the base, and distinguished plainly my signal on Mount Pleasant. Proceeding from thence to Long Branch, I found the southernmost part of the plain intercepted by three marshy creeks or ponds lying in deep hollows; this was the part which had been hidden from the direct view of Polhemus hill by apparently low woods. I proceeded until Deal, where the open plain changes into a thick pine wood, and a large pond, with an inlet from the sea, would, at all events, interrupt all further extent of a base. This I considered to be the southernmost point of view from Polhemus hill, mentioned above. Under an angle corresponding about with the direction towards Polhemus hill, the wood appeared rather lower than on the sides of it; but, being without sufficient assistance, I could not erect a high signal to try the effect of it upon this view, or upon that in the direction of the beach itself, which, being much more elevated in the intermediate parts between this and the probable northern end of the base, interrupted naturally also this view from the ground at Simpleman's Height. To ascertain, however, by observation, on my return, in which places a line drawn from this, northwardly, would pass the creeks mentioned, I erected a plank on this spot. Better than two miles to the north of this, in Mr. West's farm, lies a hill, of gentle ascent, and about fifty feet elevation: from this the prospect extends itself pretty freely for most of the interesting points of the vicinity. As to Polhemus hill, however, it was uncertain, because the direction for it falls for about six degrees within more wooded parts of the view. This hill seemed, however, so advantageously placed as to make it desirable to form the south end of the base; therefore, I made a signal and the necessary observations upon it. On the north part of the beach, in Mr. Wardell's farm, I found a point which enjoyed a full view both of Polhemus hill and West's hill, in such a direction from the latter as just to avoid a pond lying near it, and probably admitting good ground on the whole length of the line of a base laid between them, which, therefore, I conceived proper to become the north end of a base.

In searching for a second point of triangles on the east part of Neversink, I came upon Portland hill, enjoying a commanding view over Long Branch and Shrewsbury, with the advantage of seeing the light-house on Sandy Hook. I had every reason to believe a mountain seen towards the west to be Mount Pleasant; and, as far as Eddy's map of the vicinity of New York may be considered as a sufficient approximation to compare with any preliminary rough calculations, seems to agree with it, and also its position, about west, seems to correspond with the remark made there.

If, therefore, Polhemus and West's hills could have been visible one from the other, I considered

my first triangle as sketched, and forming the system joined here, No. 1,* which I made under this supposition. The triangles of it are well enough proportioned and grounded upon a base of about five miles. To ascertain this possibility, I began by erecting, on West's hill, a signal about twenty feet high, in form of a tripod, made of a ladder and two stack-poles, from the top of which the view extended itself more. Then Mr. West volunteered his assistance by firing signals with gunpowder by night, three times, at intervals—about one-third of a pound of powder each time, of which I should have been able to observe the flash on Polhemus hill, where I went with the theodolite, and left it in the position in which it had served for the observation by day. Neither of these two trials succeeding to render the plain visible, Mr. Polhemus assisted me the following night by lighting a torch of tar and hemp on a pole, near the signal upon his hill, while I was upon West's hill, burning simultaneously a tar-barrel filled with shavings and tar mixed; however, also this proved unsuccessful; neither of us saw the signal of the other.

To observe all the signals made in the vicinity, to get the data required for the sketches of triangle systems joined here, I went under way in the various courses which these trials occasioned me upon the intermediate point of Cedar hill, from which all these points are visible, though it lies itself too near the base to serve as a main point of the triangulation, as it would occasion a complicated, long, and not well-proportioned system of triangles. There the circumstance occurred which occasioned my letter of the 18th instant, to which I take the liberty to refer in this respect.†

Polhemus hill is the principal point upon which the first triangles must turn if a base is measured on Long Branch; there is no point in the vicinity which can be substituted for it, as I have convinced myself by a proper investigation on my return here.

In passing over the highlands of Neversink, I visited also Beer's hill, which stands in the range of it, has the view of New York bay, and admits a sight of the light-house of Sandy Hook through the wood, under favor of their present nakedness; but the weather did not allow me any observations.

The invisibility of Polhemus hill from West's hill occasioned me to project new systems of triangles, grounded upon a change of position in the base, which, I think, might be admissible by the nature of the ground, and in respect to the view from Polhemus hill. In the direction from there, (in these projects,) to determine the position of this new base, the sea is well visible, and therefore a somewhat high signal should be visible also.

To inquire into the possibility of these plans, I

* This sketch, as well as those subsequently referred to in this report, is omitted.

† This letter relates to a suit brought by a Mr. Holmes for a trespass in cutting one of his trees, to be used as a signal.

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intended to make a longer stay at Long Branch, but was determined to postpone this inquiry on account of the circumstances mentioned in my letter, and the want of sufficient assistance; it being necessary to have night signals made in various places at once. I had intended, also, in case of success, to make the detailed survey of the plain, which is necessary before the actual measurement of the base, in order to lay it out free of impediments, and direct the preparing of the ground for the base: the same reasons made this impossible.

In the triangle system No. 2, the only change made is in the position of the base, which is laid more north and close to the seashore. There remains to inquire if the north point is admissible, so as required, without leading the base through a pond, which is near it, leaving only a narrow beach between it and the sea, and if the view of Polhemus hill remains open over the protraction of Cedar hill. No. 3 is grounded upon the possibility of seeing the light-house of Sandy Hook and Mount Pleasant from this same point; and No. 4 substitutes Beer's hill for Mount Pleasant in the last plan, to avoid the cutting out of view in the woods of Mount Pleasant. This last system is the most preferable, but also the most doubtful. To inquire into the possibility of either one of these systems, the present season of the year is the most favorable, on account of the nakedness of the woods and the clearness of the colder atmosphere; I should like, therefore, to be properly assisted for so doing. I intend to write to Major Abert to that effect as soon as I know him provided with the necessary means.

For, the case of none of the above plans being admissible, I revisited, with proper attention, in my return, the roads between Brunswick and this place, the straightness of which might induce to believe them fit ground for a base line; but they are entirely useless for the purpose, unless I should be obliged to content myself with a line of only four miles between here and Elizabethtown, which would occasion a number of inconveniences and a complication of small triangles.

I arrived again here on the 18th instant, and sent next day the wagon and horse back to Major Abert, keeping the instruments, as the theodolite wants much repair, though in no very essential parts. I had bought the two small common and strong theodolites expressly for similar purposes as better instruments would have been destroyed, by such conveyance.

The telescope I supplied by a ship-glass of mine, after seeing that the better ones of the Government's collection would be too much exposed by the quick travelling. F. R. HASSLER.

NEWARK, N. J., November 23, 1816.

Report upon the operations made in the Spring of 1817 for the survey of the coast.

The locality of Long Branch, on the Jersey coast, which had been visited in detail last Fall, with a view to measure there a base line for the survey, not having been found sufficiently advanta-

geous, it occurred to me that a better locality might be furnished by the valley of the Hackensack river, west of the North River mountains.

In a reconnoitering turn, between the 16th and 28th of April, I found that the valley of English Neighborhood and Tinively, at the west foot of the North River mountains, would afford a sufficiently extensive and suitable ground for the measurement of a base line, from which the first triangle point could be laid on the Weasel mountains near Paterson, in the ridge of Newark mountains, first range; presenting to the east a naked rock, those north, to the road from Acquackanonk to the Little Falls of the Passaic.

The first operations becoming necessary, then, were to survey, upon a large scale, the details of the locality, in order to ascertain fully its fitness, and to make a proper choice of the ground through which the base line should pass, and of the places of the end stations; to make the preliminary measurement of this base; and to place the signals of the first triangle scheme to be formed upon it with the approximate measurement of the angles, to direct in a proper choice of stations, with several other works incident to these.

These operations were executed between the 7th of May and 10th June last. I made a detailed plan of the part of the plain through which the base shall pass, on the scale of 1-2000 with the plane table, as the instrument best adapted to this purpose. Two preliminary measurements of the line were made with a chain constructed for the purpose, giving, by a mean, 30,992 feet, with a very trifling difference between the two measurements; and the signals were placed for the sketch of triangles joined here, (No. 1,) which are to be grounded upon this base on the west of the bay of New York, joining, in the south, those on Neversink, of which I forwarded a sketch last Fall.

To plan the continuation of the survey eastward, it became necessary to reconnoitre the part of Long Island from its west end till to Huntington and Babylon, which was done in a turn between the 19th of June and 6th of July; the result of which is the sketch of triangles, No. 2, in which I hope to find a verification base between Fort Lewis and the east end of Gravesend beach. In this turn it would have been very advantageous if I could have obtained the assistance of some more officers or cadets, whom I could now send there to give signals to here, as the junction from here immediately would be the most advantageous, but is uncertain. I abstained from extending this reconnoitering turn to the north shore of Long Island Sound, which would have required about ten days more, on the following considerations:

1. The season was so eminently favorable that I was anxious to take advantage of it, for the trial and adjustment of the instruments and the exact measurement of some triangles, which was also very desirable to give a more certain ground to the planning of further works, than that which was obtainable by the preliminary approximate observations upon objects not sufficiently determinable.

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2. My signals are cones, made of sheet tin, having about sixteen inches height by an equal base, and about fourteen inches top, from which they taper off to an obtuse angular top, by which they are nailed on the top of a pole; it was necessary to be sure of their success in proportion to the distances of the stations and the power of the telescopes in my instruments. They have proved to answer very well in a morning or evening illumination, the only one under which objects are distinctly visible, as about noon even steeples become invisible: they present, then, a bright reflection from the sun; and I have seen from here and upon Beer's hill, in the Neversink highlands, at a distance of more than thirty miles in a direct line.

As the point of Weasel mountain, which I am now upon, is the first triangle point after the base ends, and a solid rock, about six hundred and twenty-five feet above the level of the sea, enjoying an extensive eastern view, I selected it for the first point of exact operations and the trials and adjustments of the instruments, which I stated already, in an early letter, as being best done on the first station of the actual survey.

It was to be expected that the instruments would stand much in need of many adjustments after a long voyage over sea and some land traveling, during which they must of course be confined in boxes, and frequently under unequal pressure of their different parts. Indeed, they had all lost every kind of adjustment, and recovered their free state and spring only after having been several days freed of their boxes. The two-feet theodolite seems, besides the loss of the adjustments, to have met with an accident, which has occasioned it to become eccentric, and has, therefore, given me much perplexing work: it will give me still more to bring it right again; I shall use every exertion towards it. Notwithstanding this, the angles which I measured with it give ultimately good results, as the nature of its construction tends very much to correct its own errors.

The eighteen-inch multiplying circle, similar to the one I lent for the determination of the Northern boundary, depending, by the nature of its construction, very little on its adjustments, has given me the least trouble, notwithstanding its few adjustments were lost also. I shall stand more in need of this instrument in the field than I thought, as I shall have to observe in light-houses, steeples, and high buildings, where the theodolite kind of instruments cannot be used. Besides this, the astronomical observations are to be made by it.

This kind of instrument being best adapted to supply in an observatory (the construction of at least one of which becomes now indispensable to the advancement of the survey) the absence of the mural instrument, I must wish very much that the one lent for the boundary may be returned immediately after that service.

The repeating theodolite, of one foot diameter, being calculated for transportability more than the large instruments, has also suffered more by the voyage than any other; and it has proved

that, with proper care and repetition, it gives the angles with as much accuracy as the great theodolite, so that the advantages of the larger instruments over the smaller consist principally in the power of the telescope, which is of course proportionable to their size, and will make it preferable for the greatest distances. Besides, when I shall have brought the two-feet theodolite fully right again, it will be more expeditious, particularly in a precarious state of the weather.

As far as I have been able to try the reflection circles, and other instruments, they have proved satisfactory; but it was just in this part that my diseased hand and the want of assistance were of the most impediment, as far as relates to observations.

F. R. HASSLER.

WEASEL MOUNTAIN, Aug. 6, 1817.

GRAVESEND BEACH, ON LONG ISLAND,
December 8, 1817.

MOST HONORED SIR: It would have been earlier, in the course of my duty, to make you some report upon my proceedings in the survey of the coast, but the favorable weather which has lately prevailed pressed upon me to take advantage of all my time for the work itself. I postponed therefore till now to give you a more determined view of what work I may expect to fulfil in the campaign of this year.

The month of October having been very unfavorable, by almost constant bad weather, my work was so much delayed at that period that it seemed almost to prohibit me to fulfil the plans I had proposed, and of which I had the honor to give you an idea, by the two sketches of triangles forwarded in the earlier part of the season.

While on Staten Island, in the course of last month, the weather cleared up so favorably, with the beginning of the cold, that, my expectations being again raised, I began the work with the second of the two sketches alluded to, including part of Long Island, &c. I have come in it so far as to be now just leaving the second station of the verification base, to go to Rockaway beach to complete that part of this triangle scheme which I contemplate for my task of this year.

Then I shall yet go to the north end of the base in Tinively, where the angles could not be observed while the leaves were on the trees, because the signals to be used show from there only through the tops of the trees of an intermediate wood, through which it would have been difficult to make a proper cut.

At the station of Bergen Neck it was necessary to cut large trees to open the view of a hill on Staten Island in Vice President Tompkins's land, which commands such a favorable prospect over all New York, its harbor to the south of Long Island, as to have become the most favorable to the acceleration of this year's work.

The results of my observations have proved very satisfactory in point of accuracy. As far as the preliminary calculations have led hitherto, the sums of those triangles, of which all three angles are measured, being within about one sec-

Survey of the Coast.

ond in a mean, equal to two right angles; and the distances concluded by various elements agreeing in a mean within about one foot in distances from eight to twenty miles. So that every desirable accuracy is likely to be obtained by the proper combination and reduction of the observations, and their accurate calculation, which must be the work of this Winter; and the results will, I hope, enable me to begin next Summer the detailed survey of the part of the country in which I have worked this year.

It is however necessary for this that, the season notwithstanding, I persevere in the work for the two stations mentioned, in order to obtain all the elements necessary for the accurate calculation of the whole system of this year's work; and I can speak decidedly in this respect only after the full closure of the campaign, and the execution of the main part of the calculations. I must therefore now be satisfied with the above short statement of the manner in which the plan has been acted upon, which I had the honor to communicate to you at the beginning.

F. R. HASSLER.

NEWARK, (N. J.), Dec. 18, 1818.

MOST HONORED SIR: Unforeseen expenses occasion me to take the liberty to request the favor to forward me the amount of my compensation for the quarter which will expire the first of next March, by a draft of \$1,250 upon any of the banks of this neighborhood. You will oblige me very much by it.

I have just returned from Rockaway, where the bad weather has frustrated me of the hopes to make that station yet this year; which therefore remains postponed to next Spring, with some more in that neighborhood.

I intend to take some of the first fair days to make the station at the north end of the base, and shall later make the observations on the station here in the high part of the town. I shall also, in the course of this Winter, make a series of latitude observations here, and for that purpose fix a proper sheltered place for observing.

The verification base having agreed in its measurement so exactly with the results of the calculations, the execution of the two stations above-mentioned during this Winter will enable me to propose the beginning of detailed surveys next Spring, though the base in English Neighborhood is not yet measured with the means of accuracy which it is intended to employ by the apparatus intended for it. The possible difference affecting only very large distances, I dare safely postpone this so very important part of the work until next Summer.

It becomes therefore interesting to know the intentions of the Legislature of this State in respect to the plan I proposed; for which purpose I shall in a few days speak with the Governor, who has in answer to my letter said he would propose it, and expected an early decision in what is called the long session in January.

I have the honor to join here, on a small scale,

a sketch of the triangles executed this, year, and within which the detailed survey can be begun. In the course of this Winter, I shall have the honor to present to you the results of the calculations and projections of the triangles in the papers to be used for the detailed surveys which I shall now work upon. I have the honor to be, &c.

F. R. HASSLER.

HON. W. H. CRAWFORD.

Statement showing the amount of appropriations for the Survey of the Coast, the amount of warrants drawn upon those appropriations, and the balance of appropriation remaining in the Treasury applicable to that object; also the several amounts from time to time carried to the Surplus Fund.

APPROPRIATIONS.

| | | | | | |
|----------------------|---|---|---|-----------|----|
| Appropriated in 1807 | - | - | - | \$50,000 | 00 |
| Appropriated in 1812 | - | - | - | 49,284 | 25 |
| Appropriated in 1816 | - | - | - | 84,441 | 14 |
| Total appropriations | - | - | - | \$183,725 | 39 |

EXPENDITURES.

Drawn upon warrants in favor of the following persons:

| Name. | Date. | Amount. |
|---------------|------------------|--------------|
| Isaac Briggs | April 7, 1808 | \$715 75 |
| Surplus fund | Decem'r 31, 1810 | 49,284 25 |
| F. R. Hassler | April 8, 1812 | 100 00 |
| Bowie & Kurtz | June 11, 1812 | 8,888 89 |
| F. R. Hassler | June 30, 1812 | 1,105 62 |
| F. R. Hassler | June 30, 1812 | 186 67 |
| F. R. Hassler | August 12, 1812 | 942 50 |
| F. R. Hassler | August 12, 1812 | 1,042 50 |
| F. R. Hassler | August 12, 1812 | 1,042 50 |
| F. R. Hassler | March 5, 1813 | 150 00 |
| F. R. Hassler | June 9, 1813 | 892 50 |
| F. R. Hassler | June 9, 1813 | 2,085 00 |
| F. R. Hassler | February 1, 1814 | 1,042 50 |
| F. R. Hassler | February 1, 1814 | 1,042 50 |
| F. R. Hassler | June 4, 1814 | 1,042 50 |
| Surplus fund | 1815 | 29,720 57 |
| James Cox | June 27, 1816 | 7,362 42 |
| F. R. Hassler | July 8, 1816 | 1,042 50 |
| F. R. Hassler | July 8, 1816 | 1,042 50 |
| F. R. Hassler | July 8, 1816 | 1,042 50 |
| F. R. Hassler | July 20, 1816 | 6,572 68 |
| John J. Abert | August 12, 1816 | 1,000 00 |
| F. R. Hassler | August 26, 1816 | 1,428 57 |
| John J. Abert | Decem'r 24, 1816 | 2,000 00 |
| F. R. Hassler | January 6, 1817 | 1,250 00 |
| John Steele | January 14, 1817 | 104 52 |
| F. R. Hassler | April 5, 1817 | 1,250 00 |
| John J. Abert | April 19, 1817 | 3,000 00 |
| F. R. Hassler | July 11, 1817 | 1,250 00 |
| John J. Abert | Septem. 30, 1817 | 3,000 00 |
| F. R. Hassler | October 10, 1817 | 1,250 00 |
| F. R. Hassler | Decem'r 22, 1817 | 1,250 00 |
| Total | - - - - - | \$133,129 94 |

Which sum of \$133,129 94, being deducted from the total appropriations of \$183,725 39, (as above,) leaves the balance of unexpended appropriations of \$50,595 45.

Defence of the Maritime Frontier.

DEFENCE OF THE MARITIME FRONTIER.

[Communicated to the Senate, February 11, 1818.]
To the Senate of the United States:

In compliance with a resolution of the Senate of the 13th of February, 1817, I now transmit copies of the reports, in relation to the surveys, and examinations made by naval officers in co-operation with officers of the corps of engineers.

JAMES MONROE.

WASHINGTON, February 6, 1818.

NAVY DEPARTMENT, Feb. 4, 1818.

SIR: I have the honor to transmit to you, herewith, copies of the reports, in relation to the surveys and examinations which have been made by naval officers in co-operation with officers of the corps of engineers, in pursuance of the resolution of the Senate of the United States, passed on the 13th day of February, 1817.

Enclosed is a list of the charts, &c., which accompany this communication.

I have the honor to be, &c.

B. W. CROWNINSHIELD.

The PRESIDENT of the U. S.

List of Charts.

Rhode Island and Narraganset bay.
 Newport and Gardner's bay.
 Boston harbor.
 Eastern entrance to Long Island sound.
 General map from Haerlem to Sandy Hook, exhibiting the line of defence.
 Falmouth harbor.
 Portsmouth (New Hampshire) harbor.
 Sandy Hook.
 Penobscot river and bay.
 Boston harbor, including Salem and Marblehead.

BOSTON, October 18, 1817.

SIR: In pursuance of your orders of the 23d of May, and the detailed instructions from the Commissioners of the Navy Board, dated the 29th May, addressed to myself, Captains Evans and Perry, who were appointed commissioners by the President of the United States, to carry into effect the resolution of the Senate for the purpose of ascertaining the practicability of defending the eastern entrance of Long Island sound, and also of examining the coasts and waters north of the Delaware, with a view to the selection of a proper site for a naval depot, rendezvous, and dock-yard, the commissioners, accompanied by General Swift, and Colonel McRee of the corps of engineers, appointed to co-operate with them, did proceed to examine accordingly. On the subject of the points of defence, there has been an unanimous opinion, and a report will be made thereon to the Navy and War Departments, to which I beg leave to refer you. It would have been gratifying to me, as I doubt not it would be to the other members of the commission, if an unanimous opinion had also been formed in se-

lecting the proper site for a naval depot; but as there has been a difference of sentiment, it becomes my duty as a member of that commission to state my opinion on the subject, founded on observations and examinations made by the commissioners, and which will appear in detail. In doing so, I shall mention the different harbors included in the instructions of the Navy Board in the order of arrangement followed in the examination.

I beg leave, however, before entering into an examination of the subject, to state the requisites which, in my opinion, are necessary for the establishment of a naval depot, rendezvous, and dock-yard.

1. A sufficient depth of water for ingress and egress at all times of tide, and accessibility in all seasons of the year for ships of the largest class.

2. A safe and secure harbor from wind, tide, and ice.

3. Means of protection by a numerous and dense population; susceptibility of defence by its natural situation, and without extensive fortifications.

4. A situation free or difficult of blockade.

5. A population to furnish the requisite number of mechanics at the lowest price and to the best advantage; where few or many may at all times be commanded without paying an indirect tax to induce them to locate themselves at or near an establishment for a special purpose and for a limited time.

6. The vicinity of a large and commercial town where skilful artisans are established to furnish the various parts of the mechanism of a ship; the greater proportion of which can generally be obtained on better terms for the public interest at private manufactories than can be supplied within a naval establishment.

7. A favorable situation for obtaining, in peace or war, a supply of ship timber, and timber suitable for masts and spars.

8. The advantageous situation of the place selected for the construction of dry docks.

9. And generally a location most favorable for obtaining, all supplies connected with a navy or naval establishment, particularly provisions and seamen.

In the execution of the duties prescribed to the commissioners, the place which first received examination was Portland, in the District of Maine.

Portland has a good harbor, and is easy of access. A good site might be found for a dock-yard, and a sufficient depth of water at all times of tide; but it would require the erection of very considerable fortifications for its protection. In the event of a war, I should recommend a small naval depot or deposite of naval stores for the accommodation of such vessels of our navy as might find it convenient to stop here; but I should not think it advisable to make an extensive establishment.

Portsmouth, situated on Piscataway river, has an outer harbor easy of access at all seasons of the year, with a sufficient depth of water at all times of tide. This outer harbor is above the

Defence of the Maritime Frontier.

fortifications and consequently protected by them, but owing to a very rapid tide in the Narrows above the outer harbor, a large vessel cannot get to the navy yard or inner harbor except with a fair wind, and, for the same reason, but few vessels can be safely moored there. The island on which the navy yard is located is commodious for building ships, has bold water, good timber docks for docking timber, and excellent building ways for a ship of the line. Dry docks might also easily be constructed. The island is exposed to a commanding height on Seaver's island, where the remains of an old fort are yet seen; the possession of this height is, in my opinion, important to the safety of the navy yard and harbor. I should recommend this navy yard in its present situation as a good building yard, but on account of the rapidity of the tide I am decidedly of opinion that it is an unfavorable situation for the establishment of a general rendezvous.

Salem.—This has a harbor accessible to ships of war into safe anchorage, as the frigate *Constitution* found in the late war, when pursued by a superior force, and merits the attention of Government to some additional works of defence.

Boston.—This port possesses, in an eminent degree, all the great advantages necessary for a naval establishment. It has a sufficient depth of water at all times of tide, and is accessible at all seasons of the year.

It has a safe, commodious, and secure harbor from wind, tide, and ice; and its accessibility is proven by the records of the custom-house, a copy of which, marked A, is hereto annexed, showing the numerous arrivals and departures in every winter month in the year.

It has great means of protection in the numerous and dense population in its immediate vicinity; the strength of its natural situation, and by its fortifications. The requisite measures for the defence of the town of Boston will always give protection to a naval establishment situated within its waters; and, from its naturally strong situation, it may be made defensible against a naval force with small expense. There cannot probably be brought to the defence of any place in the United States, within the same time, so numerous and well organized militia as can be brought to the defence of Boston; for accurate information on this point I refer to the report of the adjutant general of the State of Massachusetts, a copy of which is annexed, marked B.

It is a situation difficult of blockade. This fact is shown by the events of the late war, during which the frigates of our navy entered and departed from this port twice as often as from all the other harbors of the United States together. The list herewith accompanying, marked C, shows the number of times our ships of war entered and departed from the port of Boston during the late war.

It has a numerous body of mechanics, and the price of labor is low. Its advantages on this point can be proven by the records of the Navy Department, particularly the low price of mechanical labor.

It is a large and commercial town, abounding in artisans well skilled in all the variety of arts necessary for the building and equipping of large ships.

It is favorably situated for obtaining timber for ship building, and for masts and spars. The country near Boston has the best of white oak timber, which is brought in large quantities, and the Middlesex canal communicating with the Merrimack river, and through that river to the State of New Hampshire, opens an ample source for the supply of timber for years to come; continuations of this canal, connecting it with other water carriage, are in contemplation, which promise to supply all the timber that may be required, and of an excellent quality. The advantageous situation of Boston for the supply of timber to build, repair, and mast and spar ships of every size was fully demonstrated, during the late war, in the building of a seventy-four and a twenty-four gun ship; in repairing several frigates and several sloops of war, the materials of which were all drawn from Boston and its vicinity, and through the Middlesex canal, and which it would have been very difficult, if not impracticable, to have procured by the way of the ocean, in consequence of the superior marine force of the enemy on the coast.

It is favorably situated for the construction of dry docks, though it may be conceded that they can be built at Portsmouth or Fall river for a less sum than at Boston. As the difference, however, in this expenditure is merely the difference in the first cost of the docks, it cannot be brought in comparison with the saving which, from the possession of other and superior advantages, would be realised in a few years in the daily and continued expenditures which attend such establishments. And as docks can be as well constructed at Boston as at either of the other places, the difference of the expense in the construction ought not, in my opinion, to be entitled to any importance in the selection of a place suitable for a dock-yard, depot, and rendezvous. If it were, however, a circumstance deserving consideration, when put in opposition to other advantages already mentioned, it must lose its weight when compared with the situation of Fall river, or any other place requiring extensive fortifications, and the support of large military establishments for the sole purpose of protecting a naval depot, as also the necessity of paying the mechanics who may be employed higher wages to induce them to locate at a new establishment, out of the vicinity of a populous town, and where also there is a deficiency of timber and other materials for ship building, and of provisions and all kinds of stores.

The facility of obtaining provision and seamen. In these advantages Boston, in my opinion, stands unrivalled. The provisions put up at this place are of the very first quality, and seamen can generally be obtained more readily than at most other ports. All those articles, also, which are generally required for ships of war, and naval purposes, can be procured here in as sufficient quantity,

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and on as good terms, as at any other place; the advantages it possesses on this head, it is believed, will be fully corroborated by the numerous contracts which have been made at this place by the Navy Department for the supply of the Navy.

Providence river has barely a sufficient depth of water for large ships, and the channel below Gasby point, which is the best situation on the river for a naval depot, is too narrow for a ship to turn to windward; consequently long delays might arise in getting to sea from the establishment, which, if located at this place, would require extensive fortifications for its protection, in addition to those which would be necessary for the defence of Newport harbor.

Fall river is favorably situated for the construction of dry docks, and this, in my opinion, is the only advantage it possesses for a naval depot. There is in its vicinity some timber for ship building, but not in large quantities, and, from the best information I could procure, would soon be exhausted. In approaching it in ships there is a shoal of three quarters of a mile in extent which must be passed, and which has only seventeen feet at low water; the tide rising here only five feet does not produce a sufficient depth, even at high water, for ships-of-the-line to pass when prepared for sea. A naval establishment at this place would require, for its special protection, extensive fortifications, and a large military garrison; and to enable ships to get to sea the channels, on the east and west side of Canonicut island, must, in a state of war, be at all times commanded.

To protect the outlet to the ocean from Fall river, which is the harbor of Newport, it is the opinion of the commissioners, and the officers of the corps of engineers co-operating with them, that, in addition to those already erected, the following mentioned fortifications, together, with the filling up of the western channel of Canonicut, would be required, that is to say:

A fort on Dutch island.

A fort on Canonicut island.

A fort and entrenchments extending from Beaver-tail cove to the Dumplings.

To occupy the Dumplings.

Fortifications on Brenton's point and Telegraph hills.

Fortifications on Tammany hill, and on Hunneman's, overlooking Eton's beach.

A fort on Coaster's Harbor island, and a strong fortification on Rose island.

A fort on Balt's hill, and

Tiverton heights to be occupied.

For a more minute detail of the requisite fortifications, a reference is made to the report of the commissioners appointed to examine the practicability of defending Newport harbor. From this statement it is obvious that fortifications of such extent would require a very large military force to defend them; and which, in a state of war, must be constantly kept up, as it would be impracticable to man, on an emergency, such extensive works from the surrounding population.

The vicinity of Fall river to the waters of Sea-

connet passage, and of Buzzard's, render it accessible to an enemy who may approach by water within seven to ten miles, and who could march through the country, of not a very dense population, to Fall river. It may, therefore, be asserted that it will not only be necessary to completely defend the island of Rhode Island, but also to erect fortifications, and maintain a force at Fall river sufficient to defend it against any attack that might be made by land. The magnitude of the fortifications, and military force necessary for this purpose, is, in itself, an objection sufficient, in my opinion, to render the location of a naval depot at this place highly inexpedient.

Newport has already been mentioned in relation to the fortifications necessary to protect it. It has a good harbor, is accessible at all times of tide, and in all seasons of the year. It is worthy the attention of Government as a port favorable for the ships of our navy occasionally to enter. From my examination of the waters of Rhode Island I am decidedly of opinion that the most favorable situation for a naval depot, within those waters, is between Bristol ferry and Mount Hope bay, marked M on the chart, made from Captain Evans's survey in 1815. But I do not think that situation equal to several others in the United States.

New London.—This has an excellent harbor, accessible at all seasons of the year, at all times of tide, and unobstructed by ice. It is, in many respects, well calculated for a naval depot, having a very good situation at Comstock point, on the river Thames. But the ease with which it may be blockaded, as was proven in the late war, should be an insuperable objection to its being selected for such an establishment as is contemplated by the resolution of the Senate of the United States.

New York.—This port, possessing many of the great advantages necessary for a large naval establishment, has a bar at the southern entrance of its harbor, on which there is but twenty-two feet six inches at low water, which will not admit ships of war of the large class to pass at that time of tide. In winter the harbor is obstructed by drifting ice. It possesses the advantages of great population and excellent artisans, which gives security in a state of war, and great facility at all times in building and equipping a navy. It has two outlets to the ocean; consequently would require a double blockading force to keep vessels within its port. Frog's point, fourteen miles above the city, is an excellent harbor, but requires fortifications. This point, and the opposite point on Long Island, are most favorably situated for the defence of the outer harbor to the port of New York through the sound. It is the key of the sound, and, in my opinion, ought to be immediately fortified. New York is so important a place for a naval establishment that, although I do not consider it has all the advantages Boston possesses, particularly as it is not accessible at all times of tide, and as vessels lying in the harbor, in winter, are exposed to danger from the floating ice, I am firmly of opinion, un-

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der every view of the subject, that, next to Boston, it is the most suitable place for such an establishment, and one worthy the attention of Government as a naval depot.

Having thus detailed the advantages of the several places had under examination by the commissioners appointed for that purpose, and considering that a place suitable for the location of an establishment, such as is contemplated by the resolution of the Senate, should possess, if possible, the advantages recited in this report, I feel bound to express my perfect conviction that Boston is the most eligible situation, in every respect, for the establishment of a naval depot, rendezvous, and dock yard. I will add one other consideration which, though it may not appear to some as important, is, in my opinion, deserving of attention. The establishment is of a nature that should be permanent, and looking forward to the time when the navy of this country may be expected not only to prevent a blockade of our coast, but even to extend its operations on the coast of America to the northeast of the United States; the situation of Boston as a naval rendezvous, in such an event, would have a most important advantage over Fall river in its acces-

sibility by avoiding the shoal of Nantucket, the most dangerous shoal on our coast.

Although, sir, it may appear irrelevant in this report to offer a further opinion, I will, nevertheless, venture to give it, trusting in the purity of my motives for so doing, and in the liberality of the Government to receive opinions when respectfully submitted.

So extensive a coast as that of the United States requires at least three considerable naval arsenals. Geographical situation appears to me to mark decidedly Boston, New York, and Norfolk, as the proper sites. Boston for the eastern section of the country, New York for the middle, and Norfolk for the southern. All these three possess the great advantages of a numerous population for the security of the establishments, susceptibility of defence, and the sufficient and cheap supply of materials and mechanics for the building, repairing and equipping of ships.

I have the honor to be, &c.

WM. BAINBRIDGE.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy, Washington.

A.

A statement of the number of vessels which were entered and cleared from and for foreign ports, at the custom-house in Boston, in the months of January, February, and December, for three successive years, viz: 1814, 1815, and 1816, designating the number for the first, second, and third parts of each month; exhibiting also the number of coasters which did actually enter and clear in the months and years aforesaid, and the estimated number of coasters which arrived and departed without entering or clearing at the custom-house, during the same periods.

| 1814. | Entered. | Cleared. | 1815. | Entered. | Cleared. | 1816. | Entered. | Cleared. |
|---------------------------------------|----------|----------|---------------------------------------|----------|----------|---------------------------------------|----------|----------|
| From the 1st to the 10th January - - | 3 | 1 | From the 1st to the 10th January - - | - | 1 | From the 1st to the 10th January - - | 13 | 12 |
| Do. 10th to 20th - - | 1 | 1 | Do. 10th to 20th - - | - | 4 | Do. 10th to 20th - - | 5 | 13 |
| Do. 20th to 31st - - | 2 | 4 | Do. 20th to 31st - - | - | 1 | Do. 20th to 31st - - | 16 | 11 |
| | 6 | 6 | | - | 6 | | 34 | 36 |
| From the 1st to the 10th February - - | 2 | 2 | From the 1st to the 10th February - - | 2 | | From the 1st to the 10th February - - | 10 | 17 |
| Do. 10th to 20th - - | 5 | 1 | Do. 10th to 20th - - | | | Do. 10th to 20th - - | 3 | 9 |
| Do. 20th to 28th - - | 2 | 2 | Do. 20th to 28th - - | | | Do. 20th to 29th - - | 10 | 8 |
| | 9 | 5 | | 2 | | | 23 | 34 |
| From the 1st to the 10th December - - | - | 1 | From the 1st to the 10th December - - | 13 | 15 | From the 1st to the 10th December - - | 17 | 17 |
| Do. 10th to 20th - - | - | 3 | Do. 10th to 20th - - | 27 | 13 | Do. 10th to 20th - - | 20 | 27 |
| Do. 20th to 31st - - | - | 2 | Do. 20th to 31st - - | 15 | 18 | Do. 20th to 31st - - | 7 | 11 |
| | - | 6 | | 55 | 46 | | 44 | 55 |

*Defence of the Maritime Frontier.**Statement A.—continued.*

COASTERS.

| | | | | | | | | |
|---|----|----|---|-----|-----|---|-----|-----|
| From the 1st to the 10th January - - | 3 | 48 | From the 1st to the 10th January - - | 7 | 4 | From the 1st to the 10th January - - | 12 | 54 |
| Do. 10th to 20th - | 13 | 27 | Do. 10th to 20th - | 10 | 8 | Do. 10th to 20th - | 39 | 25 |
| Do. 20th to 31st - | 24 | 18 | Do. 20th to 31st - | 7 | 3 | Do. 20th to 31st - | 25 | 44 |
| | 40 | 93 | | 24 | 15 | | 76 | 123 |
| From the 1st to the 10th February - | 10 | 23 | From the 1st to the 10th February - | 1 | 1 | From the 1st to the 10th February - | 21 | 30 |
| Do. 10th to 20th - | 27 | 13 | Do. 10th to 20th - | 4 | 3 | Do. 10th to 20th - | 18 | 22 |
| Do. 20th to 28th - | 47 | 60 | Do. 20th to 28th - | 6 | 2 | Do. 20th to 29th - | 31 | 33 |
| | 84 | 96 | | 11 | 6 | | 70 | 85 |
| From the 1st to the 10th December - | 3 | 7 | From the 1st to the 10th December - | 41 | 70 | From the 1st to the 10th December - | 60 | 55 |
| Do. 10th to 20th - | 6 | 7 | Do. 10th to 20th - | 46 | 69 | Do. 10th to 20th - | 29 | 60 |
| Do. 20th to 31st - | 12 | 10 | Do. 20th to 31st - | 34 | 83 | Do. 20th to 31st - | 40 | 56 |
| | 21 | 24 | | 121 | 222 | | 129 | 171 |

RECAPITULATION.

| | | | | | | | | |
|--|---|---|---|---|---|---|---|-----|
| Total number of coasters which entered and cleared in the Winter of 1814 - | - | - | - | - | - | - | - | 358 |
| Estimated number of coasters which did not enter or clear - | - | - | - | - | - | - | - | 358 |
| Total number of vessels entered and cleared from foreign ports in the Winter of 1814 - | - | - | - | - | - | - | - | 32 |
| Total number of coasters which entered and cleared in the Winter of 1815 - | - | - | - | - | - | - | - | 241 |
| Estimated number of coasters which did not enter or clear - | - | - | - | - | - | - | - | 241 |
| Total number of vessels entered and cleared from foreign ports in the Winter of 1815 - | - | - | - | - | - | - | - | 109 |
| Total number of coasters which entered and cleared in the Winter of 1816 - | - | - | - | - | - | - | - | 654 |
| Estimated number of coasters which did not enter or clear - | - | - | - | - | - | - | - | 654 |
| Total number of vessels entered and cleared from foreign ports in the Winter of 1816 - | - | - | - | - | - | - | - | 226 |

Total - - - - - 2,873

| | | | | | | | | |
|--|---|---|---|---|---|---|---|-------|
| Whole number of vessels arrived and departed in the Winter of 1814 - | - | - | - | - | - | - | - | 748 |
| Do. do. do. 1815 - | - | - | - | - | - | - | - | 591 |
| Do. do. do. 1816 - | - | - | - | - | - | - | - | 1,534 |

2,873

B.

Commonwealth of Massachusetts:

ADJUTANT GENERAL'S OFFICE,
BOSTON, November 1, 1817.

DEAR SIR: In answer to your letter of the 22d ultimo, I would hereby certify that thirteen thousand one hundred and eighty-two militia are enrolled in the infantry, seven hundred and sixty-four artillery, and six hundred and sixty-five cavalry, within twenty miles of Boston, amounting to fourteen thousand six hundred and eleven men, and may be assembled in this place, in time of alarm, within twenty-four hours. To this number may be added the exempt and others, who might be brought into service on a special occasion, three thousand five hundred more; making an effective force of eighteen thousand one hundred and eleven men.

Six thousand may be assembled in ten hours in Boston. Within thirty miles, a force of the same description, of twenty-four thousand five hundred, in forty-eight hours; within forty miles,

in ninety-six hours, thirty thousand. In the late war, some companies arrived in Boston in five days from ninety-five miles distance. I am, &c.

E. MATTOON, Adjutant General.

Commodore BAINBRIDGE.

C.

Table showing the number of times of arrival and departure from the port of Boston of the vessels of the Navy during the late war with Great Britain.

| | | | | | |
|-------------------------|---|---|---|---|---|
| Frigate Constitution - | - | - | - | - | 7 |
| Frigate President - | - | - | - | - | 4 |
| Frigate United States - | - | - | - | - | 2 |
| Frigate Chesapeake - | - | - | - | - | 3 |
| Frigate Congress - | - | - | - | - | 4 |
| Sloop Hornet - | - | - | - | - | 2 |
| Sloop Frolic - | - | - | - | - | 1 |
| Sloop John Adams - | - | - | - | - | 1 |
| Brig Argus - | - | - | - | - | 2 |
| Brig Nautilus - | - | - | - | - | 4 |
| Brig Rattlesnake - | - | - | - | - | 2 |
| Brig Siren - | - | - | - | - | 2 |

Defence of the Maritime Frontier.

Boston, September 13, 1817.

The undersigned, appointed by the President of the United States, in conjunction with General Swift, of the corps of engineers, to examine Castine, in the Penobscot bay, and the waters adjoining, with a view to ascertain its importance as a military position, and the practicability of fortifying it, having attended that duty, has the honor to submit the following observations and reflections:

The Penobscot is a spacious bay, containing many excellent harbors, the borders of which, and the islands within it, are in a state of improved cultivation, and possess considerable population. Castine is situated on a promontory, nearly at the head of the eastern side of the bay. It has an excellent harbor for any number of ships of the largest size, has bold water, and is accessible at all seasons of the year. The promontory is connected with the main by a narrow isthmus.

Proceeding up the river from Castine to Buckstown, the river is divided by Orphan island, the western channel of which is alone used for the passage of large vessels. This part of the river, nearly opposite Buckstown, is what is termed the Narrows, and has been thought by some as a suitable place for extensive fortifications.

Castine has great strength from its natural situation, and, if proper batteries were erected, might almost bid defiance to an attack. From the narrowness of the isthmus which connects it with the main, it could be insulated without much labor or expense; and this mode of defence, in addition to strong batteries, would, if in the possession of an enemy who had the superiority at sea, render it impregnable. In its present situation it might easily be taken, and, when taken, could be held with a comparatively small force. From an attentive examination of the bay and river Penobscot as high up as Buckstown, it is believed that an enemy cannot possess himself of any position along the waters of the Penobscot, (Castine and the islands within the bay excepted,) without leaving in his rear places advantageous either for driving him from the points he might possess, or for cutting off his retreat; the surface of the country along the river presenting innumerable military positions. The importance, therefore, of fortifications at the Narrows, near Buckstown, is of minor consequence when compared with the defence and possession of Castine, since an enemy would hardly dare to proceed up the river until he secured the command at the entrance.

The very great importance which has been attached by the British to the possession of this place has been proved by the events of the late and of the Revolutionary war; and the consequences which would evidently result to this portion of the country from an early and continued occupation of Castine by an enemy are so obvious, as to supersede the necessity of dilating upon the subject.

Its bold water and excellent harbor, affording shelter for the largest fleets, its accessibility at

all seasons of the year, its favorable situation for the entry of prizes, and, above all, its geographical situation, communicating in a few days' sail with Halifax, and, by a short route up the Penobscot, with Quebec, giving a command of all the intermediate country from the Penobscot to the St. Croix, make its possession an object of the highest consequence, in the event of another war with Great Britain.

The undersigned is fully of opinion that Castine may be fortified, without great expense, so as to resist any force which would probably be brought against it; and that its importance is great, and such as to merit the high consideration of the Government.

WILLIAM BAINBRIDGE,
United States Navy.

UNITED STATES NAVY YARD,
NEW YORK, October 30, 1817.

SIR: In obedience to the orders received from the Navy and War Departments, the undersigned, commissioners, officers of the United States Navy and Corps of Engineers, have examined the ports and harbors east of the Delaware bay as far as Portland. From Portland to Penobscot bay, was examined by only two of them.

The undersigned respectfully submit to the Departments of Navy and War, their opinions of the several harbors and ports which they have examined, in relation to their importance as rendezvous for ships of war, and for depots; and also of their susceptibility for defence.

In examining the chart of the American coast, we find various positions that might be very advantageously occupied for naval purposes in time of war. There are a number of harbors which afford convenient rendezvous for ships of war; and which contain sites for depots and for national defence. They also combine facilities for the organization of naval expeditions. Some of these harbors should be occupied by the United States, not only for the purposes desired, but also to prevent any enemy of great naval power from taking possession of them for similar purposes in time of war. Possessed of these positions, such an enemy would be enabled, by their advantages, to increase the evils of blockade, and perhaps to prolong the contest. The positions presenting the most importance in respect of good harbors, depots, and defensible sites, are to be found in the waters of the Chesapeake and Narraganset bays.

Of the harbors which the commissioners have examined they have the honor to state as follows:

Penobscot bay in the District of Maine.—This bay is one of the most spacious in the United States. It is of easy access and contains two positions which can be perfectly fortified, to wit: Castine and Fort Point. These positions afford in their immediate vicinity good anchorage. The advantages which this bay possesses in the general view abovementioned, are much enhanced

Defence of the Maritime Frontier.

by its situation, in relation to Canada and Nova Scotia. The route into the former country is direct upon the waters which disemboque at this bay, and which approach the Chaudier emptying into the St. Lawrence. Although the United States possess harbors nearer to Nova Scotia than Penobscot bay, yet, from a combination of advantages, it commands a preference, because it seems better to unite, in one position, the convenience of a good harbor, the benefits of a naval depot, and the superiority of ground for fortification, than to possess them separately. It must be acknowledged that while an enemy possess the command on the ocean, Penobscot bay could be blockaded, which, in time of war, would reduce the United States to the necessity of transporting by land munitions, &c., not in depot at Castine or Fort Point. The sketch of the bay will present to view the points mentioned. These observations on Penobscot bay are made from the examination of it by Commodore Bainbridge and General Swift.

Portland, District of Maine.—At this place all the commissioners met and proceeded to examine it with the views submitted in their instructions. Relative to a navy yard or depot, the harbor offers one position at Portland-head near the Sack Cove, sufficiently capacious for such a Naval Establishment, as will be seen by consulting the sketch of the harbor. This harbor and site for a depot, can be defended by strengthening the present works, by constructing enclosed works in the rear of forts Scammel and Preble, by occupying Rannie's island with an enclosed work, and the height in Yarmouth also, as indicated upon the sketch. The harbor of Portland is not large, though in every other particular it is a good one, easily entered, and is a convenient harbor for a squadron to "make" occasionally.

Portsmouth Harbor.—This harbor is of easy access, and has an abundance of water, though from its confined and deep channel the tide runs with too great a velocity to allow a fleet to manœuvre or to anchor in it with safety. It has already a building establishment, and, in the opinion of the commissioners, it would be advisable to retain this yard on account of the excellent ship timber to be found in its vicinity. The defence of this harbor is not difficult; the strengthening of the present works, and an enclosed work on Sullivan's or Trefethern's island, would secure the harbor from any naval inroad.

Salem, Cape Ann, and Marblehead Harbors.—are neither of them sufficiently capacious, or otherwise well situated for any other naval purposes than occasional harbors.

Boston.—This harbor is well known to be amongst the most important, in a commercial point of view, in the United States. It is capacious, and can be entered by any vessel of war. Reports have been in circulation that a bar exists at the mouth of this harbor. The commissioners have so far ascertained that this report is unfounded as that there are on this bar four and one quarter fathoms of water at low tide. The commissioners having examined this important point,

with a view of determining its comparative value, are of opinion that Boston harbor possesses many advantages resulting from its natural means of defence, and its ample space for anchorage in the lower harbor and Nantasket roads. Other advantages are to be found in the proximity of the present establishment to materials for naval construction, in the dense population of the town and its vicinity. But from the uncertainty of entrance into this harbor, and that a fair wind is requisite to enter President Roads from those of Nantasket; and that the harbor is occasionally obstructed by ice; from the difficulty of getting to sea in easterly weather; from its susceptibility of blockade, situate as it is, at the bottom of the bay, and from the dangerous navigation of Boston bay in the Winter season, the commissioners are of opinion (with one exception) that it is advisable to retain the present establishment, connecting with it a dry dock, for occasional building and repair, but that it is not advisable to establish a great national depot and rendezvous at this place. The harbor can be secured from maritime attack by occupying George's and Long Island, and by strengthening the defences of the works on Castle, Governor's and Noddle's island.

Rhode Island Harbor and Narraganset bay, Watch Hill, Fisher's Island Sound, and New London Harbor.—The examination of these waters has convinced the commissioners that they are of great national value, not only in a naval point of view, but also in that of defence. The connexion of them, which is here made, is intended to exhibit the opinion of the commissioners that in naval as well as in commercial operations the power of maintaining this connexion should be preserved as far as may be practicable, and indeed extended, were it within reasonable means, by the line across the sound from the western extreme of Fisher's Island by the Race and Gulls to Gardner's bay. But the distance exhibited on the map from Fisher's Island to the Gull, the rapidity of the tides, and great depth of water, the distance from the Gull to Gardner's bay, and the distance of good anchorage in Gardner's bay from that island are such as to preclude, in the unanimous opinion of the commissioners, the hope of extending a line of defence by permanent fortifications from Fisher's Island to the bay just mentioned. The use of steam batteries in these waters would, in the opinion of the commissioners, aided by a supporting fortification on Gardner's Island, form an important and imposing obstacle to the occupancy of these waters by an enemy who may possess a greater naval force than the United States. For all the objects of naval rendezvous and national defence, the commissioners agree unanimously in the opinion herein expressed, in relation to the waters of Narraganset bay, the sound, and New York. The commissioners, except one, are of opinion that Narraganset bay presents the best site for a naval depot in the Union, north of Chesapeake bay, for the following reasons: The population within two days' march of this bay is equal if not superior to any section of the Union of equal area;

Defence of the Maritime Frontier.

consequently, the means of defence which a dense population affords is to be found in the vicinity of it in an equal degree with any other point on the coast. Because, in a geographical view, this bay and that of the Chesapeake, for the two great points on the seacoast conveniently situated as to distance from the Atlantic extremes of the Union, affording mutual advantage to affect a concentration of any naval force, and the line of their communication would afford to such a force the means of protecting important intermediate positions, to wit: the Delaware, New York, and Long Island sound, because, particularly, as it relates to Rhode Island harbor, it is very accessible from sea at all seasons of the year; it affords capacious harbors, can be entered from the ocean, and the ocean can be reached from it in a few hours' sail; because it can be entered when the wind is northwest, and because it is not susceptible of a continued blockade: nor is it obstructed by ice. An examination of this bay has satisfied the commissioners, with one exception, that the best site for a great naval depot east of the Chesapeake bay is to be found in this bay, and the various positions upon the waters of it. The sites are Gaspe Point, Mount Hope bay, near Bristol, the basin, and Fall river. The basin at the northern extremity of Rhode Island, formed by the north part of the eastern passage, and the stone bridge at Howland's Ferry, and Fall river, at the margin of Taunton river, present the best sites. Both have great advantages; the first, from its accessibility, and from the circumstance that the defence of Rhode Island will include that of this position. The latter named place has natural means for forming dry docks, and to propel machinery by its falls. Inasmuch as the water of Watupor South Pond, can be conveyed by conduits to the basin, and as the site at Fall river would involve an extensive line of defence, the commissioners prefer the Basin. The commissioners have received information that an abundance of oak timber, iron ore, and of workmen, can be procured within a range of thirty miles from this Basin. The line of defence for Rhode Island harbor, including that of the depot, is indicated upon the map commencing at Dutch Island in the western passage between Canonicut Island and the main land, and extending by the Dump-lins, Brenton's Point, Tammany Hill, Butt's Hill, to Tiverton Heights.

In relation to the connexion before mentioned of the harbor of Rhode Island and those near Watch Hill, Fisher's Island sound, and New London, the line of defence upon these positions is indicated on the map. Ships-of-war and merchantmen in coming from sea, could, in a north-east wind, make the harbor by Watch Hill and Fisher's Island, or could reach New London harbor, without being cut off by an enemy occupying Gardner's bay. From these positions a westerly or southerly wind would enable fleets to run through Fisher's Island sound by Watch Hill to Rhode Island harbor, without incurring the danger of being intercepted by any vessel lying in Gardner's bay. The harbor of New London is

of very easy access, and is capacious and safe; and in relation to the line through Fisher's Island sound, is deemed a very valuable harbor. An abundant depth of water extends from New London to Comstock Point. This point has many advantages for a naval depot; the commissioners, however, with the exception before mentioned, prefer Narraganset bay, for reasons which have been assigned.

New York Harbor.—This harbor presents itself in a twofold view, inasmuch as it has a double communication with the ocean, and is connected with Canada by means of the Hudson and Lake Champlain. These views deservedly attach a great importance to New York harbor for naval and military purposes. Any ship of war can enter this harbor from the ocean, by Sandy Hook, or through the sound, and, although the commissioners do not deem it advisable to establish a large naval depot and rendezvous at this place, yet they advise the occupancy of the present yard for occasional depot, building and repairs, and for a dry dock. This depot should be established to insure naval supplies, and to aid such military operations as a state of war may render necessary. This harbor may, from the sound side, be considered as, in some degree, connected with New London, and more particularly so, as Frog's Point, at the entrance of the sound, offers a site for a fortification, which would amply secure an outer harbor to that of New York. There is an abundance of water and good anchorage near this point. New York harbor is occasionally obstructed with ice. The commissioners were, from unavoidable circumstances, prevented meeting and commencing their examinations until the 21st of July. The time in which it was necessary to make up their report has not been sufficient to enable them to enter into details of survey, or of calculation as to the expenses of constructing forts at different places. These calculations require much time, as they refer to the fortification of as many sites as shall be selected for defence between Penobscot Bay and New York. It may with propriety be said, that the expenses of constructing fortifications cannot be estimated from the data furnished by the costs of the works that have been heretofore erected. These works have been, in almost every instance, constructed upon the scale of redoubts, and not upon that deserving the name of fortifications.

The commissioners have, in their survey and examination, only determined where it would be best to locate a great naval depot, and where sites for defence should be selected. They are convinced that the impracticability of defending the entrance into Long Island sound from the western point of Fisher's Island to the Gull's and Gardner's bay. They are convinced that the entrance through Fisher's Island sound may be defended. They have indicated the positions which should be occupied for defence. They have decided that Frog's Point can be so secured as to form a good outer harbor to New York, and an inner harbor from the side of the sound.

If the positions recommended should be deemed

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of sufficient importance to be occupied, engineers should be sent to make the most minute surveys, so as to determine the position and form of the works, which, when constructed, are to last many years, and which in their construction must involve a great expenditure. As to the expense of constructing docks, &c., the remark in relation to details of fortifications will equally apply to these constructions. The enclosed memorandum, relative to timber, workmen, and iron ore, is furnished for reference. Commodore Bainbridge will communicate his own opinion upon the subject of a great depot, as he does not agree with the other commissioners in recommending the location of such a depot in Narraganset Bay.

We have the honor to be, &c.,

J. G. SWIFT, B. G.,
SAMUEL EVANS,
O. H. PERRY.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

OLD POINT COMFORT,
Hampton Roads, Jan. 24, 1818.

The undersigned, commissioners appointed to examine the lower part of Chesapeake bay, Hampton Roads, and York river, for the purpose of determining whether the entrance into the former could be prevented by fortifications extending from the Horse Shoe to the Middle Ground, whether the latter could be so fortified as to prevent the entrance of a hostile force, have the honor to state, that, from various causes, they were not enabled to assemble until the latter part of the month of December, 1817; that they commenced to discharge the duty assigned them on the 1st of January, 1818, at Old Point Comfort. From the advanced stage of the season, and the consequent uncertainty of having such weather as would enable the commissioners to effect a thorough examination of the waters of Chesapeake bay, and the entrance of York river, they recommend that the execution of their duty in relation to those places may be postponed until the first of May next.

To the date of this report from the 1st of January, the commissioners have been employed in surveying and examining Old Point Comfort, the Rip Rap shoals, and the entrance into Hampton Roads. The result of this examination is a conviction, on the part of the commissioners, that the passage into those roads can be so fortified as to prevent the entrance of any hostile fleet. The extent and efficiency of such fortifications will depend upon the decision of the Government as to the length of time which the works should be enabled to withstand the attack of a combined naval and land force, of a given magnitude.

If the amount of resistance to be made at this pass be merely an obstruction of the entrance into Hampton Roads, without any reference to a land attack, the commissioners believe that competent water defences may be constructed to such an effect. As, however, the object of forcing an entrance into Hampton Roads might be

deemed by an enemy worth the expense of a regular siege, the commissioners deem it their duty to recommend a system of defence equal to such an exigency. Such a system should embrace the occupation of the Rip Rap shoal with a castellated fort; the channel between that shoal and Old Point Comfort with a boom raft; and Old Point itself with an enclosed work: the whole to be so located as to afford a mutual protection, and to embrace, in the total, the power to resist any force which may be brought against the pass into Hampton Roads. The commissioners have not, as yet, been able to collect sufficient data to authorize them to offer you a complete plan. The magnitude of the work may affect the prices of materials and workmanship; and, as the nature of the substratum at the sites has not yet been sufficiently ascertained, no determinate amount of expense can be estimated upon which the commissioners can with safety rely.

For a general view of the subject, the commissioners present the enclosed charts, which will exhibit the positions that should be occupied, and may enable you to form some opinion of the approximate expense which the adoption of the system would involve; in aid of which, they also enclose an estimate for a work on the Rip Rap shoal, which is predicated on the supposition that the substratum of that site is solid, and upon the usual prices of materials and workmanship in this section of the Union.

It is the wish of the commissioners to lay before you their reasons in detail upon the proposed system; to which effect, the commissioners can with usefulness employ their time till May next, in acquiring further information, and in digesting as perfect a plan as the nature of the case will admit. The commissioners deem it their duty to state to you that Majors Roberdeau and Kearney, and Lieutenant Blaney, have attended the commissioners, and have, by their assiduous attention, been materially beneficial in surveying and drawing.

Respectfully submitted.

J. G. SWIFT, B. G.
L. WARRINGTON,
W. K. ARMISTEAD,
W. McREE.
J. D. ELLIOTT.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

REWARD TO THE OFFICERS AND CREW
OF A PRIVATEER.

[Communicated to the House, March 4, 1818.]

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the petition of Samuel C. Reid, captain of the late private armed brig the General Armstrong, on behalf of himself, the officers and crew of the said brig, report:

It appears from the petition, and other docu-

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ments, that the circumstances which gave rise to the application, were in substance the following:—Captain Reid, in the private armed brig the General Armstrong, of seven guns and ninety men, left the port of New York on a cruise, early in September, 1814; on the 26th of the same month they came to anchor in the port of Fayal, one of the Azores or Western Islands, belonging to the Crown of Portugal; in the evening of the same day, a British squadron, consisting of the Plantagenet of seventy-four, the Rota of forty-four, and the Carnation of eighteen guns, under command of Captain Lloyd, anchored in the same port. During the night, which was entirely clear, the moon near or at the full, and shining brightly, which enabled the Americans to examine accurately, and observe distinctly the movements of the enemy, four boats full of armed men were observed to be approaching the Armstrong, from the smallest of their vessels which lay near; Captain Reid hailed them repeatedly to know what were their views; no answer being returned, and the boats continuing to approach orders were given to fire upon them, which were instantly obeyed with destructive effect, and after a short contest the boats retreated to their ships. It was soon discovered that the enemy were making preparations to renew the attack, which was commenced about midnight, with twelve or fourteen boats, containing, as was supposed, about four hundred men completely armed and prepared. After a most obstinate, and, on the part of the enemy bloody contest, which lasted about forty minutes, they were entirely frustrated in their attempts to carry the brig, and again retreated to their ships. In this contest several of the enemy's boats were destroyed, and two of them taken possession of by the crew of the Armstrong, literally filled with dead. After the second retreat of the enemy, the greatest exertions were used by the Americans to prepare their vessel for action in case of another attack. About this time, Captain Reid received a note from Mr. Dabney, the American Consul, requesting to see him on shore; when he repaired thither, the Consul informed him that the Portuguese Governor had addressed a note to the commander of the British squadron, protesting against his violating the neutrality of the port, and requiring him to cease from further outrage on those whom it was his duty to protect. To this note Captain Lloyd returned a menacing reply, that he would take the Armstrong at every hazard, and if she was injured by her crew, he would consider the place as an enemy's port, and treat it accordingly. During the last action with the boats, the Armstrong lay within pistol-shot of the castle. Captain Reid then returned on board his vessel, and about day-break a cannonade was commenced from one of the enemy's vessels on the Armstrong. Thus situated, finding the enemy determined to persevere in their outrage, and from the immense superiority of their force, knowing it would be impossible to save his vessel, Captain Reid, having due regard for the safety of his comrades who had so nobly supported him, determined

to scuttle her and leave her; this he did, when she was immediately set on fire by the enemy and destroyed. In these several contests, from good information, there is reason to believe the loss of the enemy, at a moderate calculation, amounted at least to two hundred and fifty men in killed and wounded; that of the Americans was two killed and seven wounded. The petition further states, that this British squadron was on its way to the West Indies to join the force destined to make an attack on New Orleans; that in consequence of the injury which they sustained, their junction was so much retarded, and the expedition so much delayed, that the Americans had time to prepare for the defence of that place, which, but for this circumstance, could probably not have been effected. The petition concludes with a prayer that Congress would bestow something on those who so gallantly defended the American flag, under circumstances so hopeless; and who in the contest lost nearly the whole of their little all.

This case has engaged much of the attention of the committee. They do not believe that the annals of our Government furnish a precedent of rewards bestowed on men situated as were the crew of the Armstrong, not in the public service. They are fully aware also of the weight attached, and justly attached, to precedents which have been settled on due consideration; it would, therefore, be with much reluctance, they would consent to establish one, to which an appeal might be made in future cases, somewhat analogous in principle. But on mature reflection, apprehensions from the precedent which may be established by this case are much diminished. It will not be going too far, in the opinion of the committee, to say, that among all the achievements which embellish the annals of the late war, there was not one which surpassed that now under consideration. A few brave men in the middle of the Atlantic ocean, who had no personal interest in the preservation of the vessel they defended, and the mere preservation of which, without a miracle, must have been impracticable, could have been actuated by nothing short of the noblest motives which impel men to the achievement of valiant deeds; those motives could have been only their honor and the glory of the flag under which they fought. They knew well the high value which was placed by their country on the rising reputation of their infant navy; they knew it was all-important that that reputation should be sustained by Americans in whatever situation they might be placed: and impelled by these generous motives, and these alone, they hazarded everything to accomplish their object. They succeeded; and though, after two complete victories, the second gained under circumstances of the greatest inequality, they were ultimately obliged to yield to a superior force, yet the honor of the flag was supported, and the American character raised to an elevation calculated to produce the most beneficial effects. Should this Congress bestow on these gallant men some mark of their bounty, the committee think it would be

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well bestowed; and should it have the effect of producing similar exertions in future wars, and this precedent be pleaded in support of similar applications, they do not believe the country will have cause to regret the application of a small sum to a purpose so beneficial. From all the circumstances of the case, the committee recommend to the House, the passage of a bill herewith reported, to divide among the officers and crew of the *Armstrong* the sum of ten thousand dollars.

To the honorable the Congress of the United States, in Senate and House of Representatives convened :

The memorial of Samuel C. Reid, late commander of the private armed brig *General Armstrong*, on behalf of the officers and crew of the said vessel, respectfully sheweth :

That on the 26th September, 1814, the said vessel being at anchor in the port of Fayal, and having on board a crew of ninety men, and seven guns, was attacked by a superior force under the command of Commodore Lloyd, and that the said vessel was finally burnt and destroyed.

For the details of that action, your memorialist refers to the letter of John B. Dabney, Esq., then Consul for the United States at Fayal, to the Secretary of State, dated 5th October, 1814.

It would not become your memorialist to speak of the merit (if any there was) of the officers and crew of the *Armstrong* in that action. He may, nevertheless, be allowed to state as a fact, that the squadron with which they engaged was a part of that armament which was destined to make the descent upon New Orleans, and that the injury sustained by this squadron in the action above mentioned, delayed for a time its junction with the fleet then in the West Indies, and thus retarded the progress of the expedition, which gave time for the brave *Jackson* to collect and arrange his forces.

The officers and crew of the *Armstrong* do not arrogate to themselves any personal merit, by reason of events and consequences which they could not have foreseen. Yet if, by the faithful discharge of their duty as citizens, they have, under Providence, been the instruments in effecting a great public good, they may hope thence to derive a fairer claim to the notice of their Government.

The memorialist, on behalf of the said officers and crew, begs leave further to observe, that when they were attacked by a force so vastly superior, and when there was no longer a hope of successful resistance, or of the preservation of the vessel, they would have been justified to the owners, and would perhaps have escaped the reproaches of their fellow-citizens, if they had abandoned their vessel, and sought only their personal safety. But they owed a duty to their country, and it was this impulse alone that could induce them to make such resistance at the expense of their lives and property, no other object being in view; and they do hope, therefore, that their case may not be confounded with that of those who

may have fought bravely from the mere prospect of gain.

The officers and crew of the *Armstrong* had not the advantages of being in the immediate employ, nor of enjoying the pay and emoluments of Government; but they have been led to presume that a service rendered to their country is not the less meritorious for having been performed without the obligation of contract, or previous stipulation for reward.

It may be true that valiant deeds are not to be rewarded with money, yet the practice of our own Government, and that of every civilized nation in the Old World, testifies their opinion, that sound policy requires, that the citizens or subjects who perform such deeds as attract the notice of Government, should not want the means of decent support; and Congress have deigned to bestow, and our naval heroes have not disdained to receive, pecuniary reward for services they may have rendered their country in the destruction of men and ships of the enemy.

It is with great reluctance and hesitation that your memorialist, the said Samuel C. Reid, claims the attention of Congress for himself; he should have been forever silent, but he can no longer resist the importunities of those who were his associates in that action, nor be longer a passive witness to their poverty and distress, some of which feel the smart of their wounds to this day.

The said officers and crew having lost most of their baggage and other necessities, and having also suffered great privations and distress, arrived in the United States about the close of the war, and owing to the embarrassments of commerce and navigation, have been unable, by any exertions, to procure for themselves and families a bare subsistence; whence far the greater part of them, and their families, are now actually suffering from want.

Your memorialist hath been led to believe, that these facts are unknown to Congress, and that it would not be deemed honorable to the nation or its Government, that those whom the journals of Congress have thought proper to eulogize, should exist but in misery and distress in the bosom of their own country.

SAMUEL C. REID.

Copy of a letter from the American Consul at Fayal to the Secretary of State.

FAYAL, October 7, 1818.

SIR: I have the honor to state to you that a most outrageous violation of the neutrality of this port, in utter contempt of the laws of civilized nations, has recently been committed here, by the commanders of His Britannic Majesty's ships *Plantagenet*, *Rota*, and *Carnation*, against the American private armed brig *General Armstrong*, Samuel C. Reid, commander, but I have great satisfaction in being able to add, that this occurrence terminated in one of the most brilliant actions on the part of Captain Reid, his brave officers and crew, that can be found on naval record.

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The American brig came to anchor in this port in the afternoon of the 26th of September, and at sunset of the same day the above named ships suddenly appeared in these roads; it being nearly calm in the port, was rather doubtful if the privateer could escape if she got under way, and relying on the justice and good faith of the British captains, it was deemed most prudent to remain at anchor. A little after dusk Captain Reid, seeing some suspicious movements on the part of the British, began to warp his vessel close under the guns of the castle, and while doing so, he was at about eight o'clock P. M. approached by four boats from the ships filled with armed men. After hailing them repeatedly, and warning them to keep off, he ordered his men to fire on them, and killed and wounded several men. The boats returned the fire and killed one man and wounded the first lieutenant of the privateer, and returned to their ships; and, as it was now light moonlight, it was plainly perceived from the brig as well as from the shore, that a formidable attack was premeditating. Soon after midnight, twelve or more large boats, crowded with men from the ships, and armed with carronades, swivels, and blunderbusses, small arms, &c., attacked the brig; a severe contest ensued which lasted about forty minutes, and ended in the total defeat and partial destruction of the boats, with a most unparalleled carnage on the part of the British. It is estimated by good judges that near four hundred men were in the boats when the attack commenced, and no doubt exists in the mind of the numerous spectators of the scene that more than half of them were killed or wounded; several boats were destroyed; two of them remained alongside of the brig literally loaded with their own dead. From these two boats only seventeen reached the shore alive; most of them were severely wounded. The whole of the following day the British were occupied in burying their dead; among them were two lieutenants and one midshipman of the Rota: the first lieutenant of the Plantagenet, it is said, cannot survive his wounds, and many of the seamen who reached their ships were mortally wounded, and have been dying daily. The British, mortified at this signal and unexpected defeat, endeavored to conceal the extent of the loss; they admit, however, that they lost in killed, and who have died since the engagement, upwards of one hundred and twenty of the flower of their officers and men. The captain of the Rota told me he lost seventy men from his ship. Two days after this affair took place the British sloops of war *Thais* and *Calypso* came into port, when Captain Lloyd immediately took them into requisition to carry home the wounded officers and seamen; they have sailed for England, one on the 2d, and the other on the 4th instant, each carrying twenty-five badly wounded. Those who were slightly wounded, to the number, as I am informed, of about thirty, remained on board their respective ships, and sailed last evening for Jamaica. Strict orders were given that the sloops of war should take no letters to England, and those orders were rigidly adhered to.

In face of the testimony of all Fayal, and a number of respectable strangers who happened to be in this place at the moment, the British commander endeavors to throw the odium of this transaction on the American captain, Reid, alleging that he sent boats merely to reconnoitre the brig, and without any hostile intention. The pilot of the port did inform them of the privateer the moment they entered the port. To reconnoitre an enemy's vessel in a friendly port, at night, with four boats, carrying, by the best accounts, one hundred and twenty men, is certainly a strange proceeding. The fact is, they expected, as the brig was warping in, that the Americans would not be prepared to receive them, and they had hopes of carrying her by a *coup de main*. If anything could add to the baseness of this transaction on the part of the British commander, it is want of candor openly and boldly to avow the facts. In vain can he expect, by such subterfuge, to shield himself from the indignation of the world, and the merited resentment of his own Government and nation, for thus trampling on the sovereignty of their most ancient and faithful ally, and for the wanton sacrifice of British lives.

On the part of the Americans the loss was comparatively nothing—two killed, and seven slightly wounded: of the slain, we have to lament the loss of the second lieutenant, Mr. Alexander O. Williams, of New York, a brave and meritorious officer.

Among the wounded are Messrs. Worth and Johnson, first and third lieutenants. Captain Reid was thus deprived, early in the action, of the services of all his lieutenants; but his cool and intrepid conduct secured him the victory.

On the morning of the 27th ultimo, one of the British ships placed herself near the shore, and commenced a heavy cannonade on the privateer. Finding further resistance unavailing, Captain Reid ordered her to be abandoned after being partially destroyed, to prevent her falling into the hands of the enemy, who soon after sent their boats and set her on fire.

At nine o'clock in the evening, (soon after the first attack,) I applied to the Governor, requesting his Excellency to protect the privateer, either by force, or by such remonstrance to the commander of the squadron as would cause him to desist from any further attempt. The Governor, indignant at what had passed, but feeling himself totally unable, with the slender means he possessed, to resist such a force, took the part of remonstrating, which he did in forcible and respectful terms. His letter to Captain Lloyd had no other effect than to produce a menacing reply, insulting in the highest degree. Nothing can exceed the indignation of the public authorities, as well as all ranks and description of persons here, at this unprovoked enormity. Such was the rage of the British to destroy this vessel, that no regard was paid to the safety of the town; some of the inhabitants were wounded, and a number of the houses were much damaged. The

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strongest representations on this subject are prepared by the Governor for his Court.

Since this affair the commander, Lloyd, threatened to send on shore an armed force and arrest the privateer's crew, saying there were many Englishmen among them; and our poor fellows, afraid of his vengeance, have fled to the mountains several times, and have been harassed extremely. At length Captain Lloyd, fearful of losing more men if he put his threats in execution, adopted this stratagem: he addressed an official letter to the Governor, stating that in the American crew were two men who deserted from his squadron in America, and, as they were guilty of high treason, he required them to be found and given up. Accordingly a force was sent into the country, and the American seamen were arrested and brought to town, and as they could not designate the said pretended deserters, all the seamen here passed an examination of the British officers, but no such persons were to be found among them. I was requested by the Governor and British Consul to attend this humiliating examination, as was also Captain Reid, but we declined to sanction by our presence any such proceedings.

Captain Reid has protested against the British commanders of the squadron, for the unwarrantable destruction of his vessel in a neutral and friendly port, as also against the Government of Portugal, for their inability to protect him.

No doubt this Government will feel themselves bound to make ample indemnification to the owners, officers, and crew, of this vessel, for the great loss they have severally sustained.

I shall as early as possible transmit a statement of this transaction to our Minister at Rio Janeiro, for his Government.

I have the honor to be, &c.

JOHN B. DABNEY.

To the SECRETARY OF STATE.

FAYAL, Oct. 4, 1814.

With infinite regret I am constrained to say, it has eventually fallen to my lot to state to you the loss and total destruction of the private armed brig General Armstrong, late under my command.

We sailed from Sandy Hook on the evening of the 9th ultimo, and about midnight fell in close aboard of a razee and ship of the line. They pursued till next noon, when they thought proper to give over chase. On the 11th, after a nine hours' chase, boarded the private armed schooner Perry, John Colman, six days from Philadelphia; had thrown over all his guns. On the following day fell in with an enemy's gun brig; exchanged a few shots with him and left him. On the 24th boarded a Spanish brig and schooner, and a Portuguese ship, all from the Havana. On the 26th following came to in Fayal Roads, for the purpose of filling water; called on the American Consul, who very politely ordered our water immediately sent off, it being our intention to proceed to sea early the next day. At five P. M. I went

on board, the Consul and some other gentlemen in company. I asked some questions concerning enemy's cruisers, and was told there had been none at these islands for several weeks; when about dusk, while we were conversing, the British brig Carnation suddenly hove in sight, close under the northeast head of the harbor, within gun-shot when first discovered.

The idea of getting under way was instantly suggested; but finding the enemy's brig had the advantage of a breeze, and but little wind with us, it was thought doubtful if we should be able to get to sea without hazarding an action. I questioned the Consul to know, if, in his opinion, the enemy would regard the neutrality of the port? He gave me to understand I might make myself perfectly easy, assuring me, at the same time, they would never molest us while at anchor. But no sooner did the enemy's brig understand from the pilot boat who we were, when she immediately hauled close in, and let go her anchor within pistol-shot of us. At the same moment the Plantagenet and frigate Rota hove in sight, to whom the Carnation instantly made signals, and a constant interchange took place for some time. The result was, the Carnation proceeded to throw out all her boats; despatched one on board the Commodore, and appeared otherwise to be making unusual exertions; from these circumstances I began to suspect their real intentions. The moon was near its full, which enabled us to observe them very minutely, and I now determined to haul in nearer the shore; accordingly, after clearing for action, we got under way, and began to sweep in. The moment this was observed by the enemy's brig, she instantly cut her cable, made sail, and despatched four boats in pursuit of us. Being now about 8 P. M., as soon as we saw the boats approaching, we let go our anchor, got springs on our cable, and prepared to receive them. I hailed them repeatedly as they drew near, but they felt no inclination to reply. Sure of their game they only pulled up with greater speed. I observed the boats were well manned, and apparently as well armed; and as soon as they cleverly got alongside we opened our fire, which was as soon returned; but, meeting with rather a warmer reception than they had probably been aware of, they very soon cried for quarters and hauled off; in this skirmish I had one man killed, and my first lieutenant wounded. The enemy's loss must have been upwards of twenty killed and wounded.

They had now repaired to their ships to prepare for a more formidable attack. We, in the interim, having taken the hint, prepared to haul close into the beach, where we moored head and stern within half pistol-shot of the castle. This done, we again prepared, in the best possible manner, for their second reception. About 9 P. M. we observed the enemy's brig towing in a large fleet of boats. They soon after left the brig, and took their station in three divisions, under cover of a small reef of rocks, within about musket shot of us. Here they continued manœuvring for some time, the brig still keeping under way to

Privateer General Armstrong.

act with the boats, should we at any time attempt our escape.

The shores were lined with the inhabitants, waiting the expected attack; and from the brightness of the moon they had a most favorable view of the scene. The Governor, with most of the first people of the place, stood by and saw the whole affair.

At length, about midnight, we saw the boats in motion, (our crew having laid at their quarters during the whole of this interval;) they came on in one direct line, keeping in close order; and we plainly counted twelve boats. As soon as they came within proper distance we opened our fire, which was warmly returned from the enemy's carronades and small arms. The discharge from our long Tom rather staggered them; but soon reconnoitering, they gave three cheers, and came on most spiritedly; in a moment they succeeded in gaining our bow and starboard quarter, and the word was board. Our great guns now became useless; we attacked them sword in hand, together with our pikes, pistols, and musketry, from which our lads poured on them a most destructive fire. The enemy made frequent and repeated attempts to gain our decks, but were repulsed at all times, and at all points, with the greatest slaughter. About the middle of the action I received intelligence of the death of my second lieutenant; and, soon after, of the third lieutenant being badly wounded. From this, and other causes, I found our fire had much slackened on the forecastle; and, fearful of the event, I instantly rallied the whole of our after division, who had been bravely defending, and now had succeeded in beating the boats off the quarters. They gave a shout, rushed forward, opened a fresh fire, and soon after decided the conflict, which terminated in the total defeat of the enemy, and the loss of many of their boats; two of which, belonging to the Rota, we took possession of, literally loaded with their own dead; seventeen only escaped from them both, who had swum to the shore. In another boat under our quarter, commanded by one of the lieutenants of the Plantagenet, all were killed, saving four. This I have from the lieutenant himself, who further told me that he jumped overboard to save his own life.

The duration of this action was about forty minutes; our decks were now found in much confusion, our long Tom dismounted, and several of our carriages broken; many of our crew having left the vessel, and others disabled. Under these circumstances, however, we succeeded in getting long Tom in his birth, and the decks cleared in some sort for a fresh action, should the enemy attack us again before daylight. About 3 A. M. I received a message from the American Consul, requesting to see me on shore, when he informed me the Governor had sent a note to Captain Lloyd, begging him to desist from further hostilities. To which Captain Lloyd sent for answer, that he was now determined to have the privateer, at the risk of knocking down the whole town; and that, if the Governor suffered the Americans to injure the privateer in any manner,

he should consider the place an enemy's port, and treat it accordingly. Finding this to be the case, I considered all hopes of saving our vessel to be at an end. I therefore went on board, and ordered all our wounded and dead to be taken on shore, and the crew to save their effects as fast as possible. Soon after this it became daylight, when the enemy's brig stood close in, and commenced a heavy fire on us with all her force; after several broadsides she hauled off, having received a shot in her hull, her rigging much cut, and her foretopmast wounded, (of this I was informed by the British Consul.) She soon after came in again, and anchored close to the privateer. I then ordered the Armstrong to be scuttled, to prevent the enemy from getting her off; she was soon after boarded by the enemy's boats, and set on fire, which soon completed her destruction.

They have destroyed a number of houses in the town, and wounded some of the inhabitants.

By what I have been able to learn from the British Consul and officers of the fleet, it appears there were about four hundred officers and men in the last attack by the boats, of whom one hundred and twenty were killed, and one hundred and thirty wounded. Captain Lloyd, I am told by the British Consul, is badly wounded in the leg; a jury of surgeons had been held, who gave as their opinion that amputation would be necessary to insure his life. It is said, however, that the wound was occasioned by an ox treading on him. The fleet has remained here about a week, during which they have been principally employed in burying their dead, and taking care of their wounded.

Three days after the action they were joined by the ship *Thais* and brig *Calypso*, (two sloops of war,) who were immediately taken into requisition by Captain Lloyd, to take home the wounded men. The *Calypso* sailed for England, with part of the wounded, on the 2d inst., among whom was the first lieutenant of the *Plantagenet*. The *Thais* sails this evening with the remainder. Captain Lloyd's fleet sailed to-day, supposed for the West Indies.

The loss on our part, I am happy to say, is comparatively trifling; two killed and seven wounded. With regard to my officers, in general, I feel the greatest satisfaction in saying they one and all fought with the most determined bravery, and to whom I feel highly indebted for their officer-like conduct during the short period we were together; their exertions and bravery deserved a better fate.

I here insert for your inspection a list of the killed and wounded.

Killed.—Mr. Alexander O. Williams, second lieutenant, by a musket ball in the forehead, died instantly; Burton Lloyd, a seaman, do., through the heart, do.

Wounded.—Frederick A. Worth, first lieutenant, in the right side; Robert Johnson, third do. left knee; Basila Hammond, quartermaster, left arm; John Piner, seaman, knee; William Castle, do. arm; Nicholas Scalsan, do. arm and leg;

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John Harrison, do. hands and face, by the explosion of a gun.

It gives me much pleasure to announce to you that our wounded are all in a fair way of recovery, through the unremitted care and attention of our worthy surgeon.

Mr. Dabney, our Consul, is a gentleman possessing every feeling of humanity, and to whom the utmost gratitude is due from us for his great care of the sick and wounded, and his polite attention to my officers and myself.

Mr. Williams was a most deserving and promising officer. His country in him has lost one of its brightest ornaments, and his death must be sadly lamented by all who knew his worth.

Accompanied with this you will find a copy of my protest, together with copies of letters written by Mr. Dabney to the Governor of Fayal, our Minister at Rio Janeiro, and our Secretary of State. These letters will develop more fully the circumstances of this unfortunate affair.

We expect to sail to-morrow in a Portuguese brig for Amelia Island, who takes the whole of our crew; till when, I remain, gentlemen, your obedient humble servant,

SAMUEL C. REID.

TRIAL OF CAPTAIN CREIGHTON.

[Communicated to the House, March 4, 1818.]

NAVY DEPARTMENT, Feb. 28, 1818.

SIR: I have the honor to transmit, herewith, in compliance with a resolution of the House of Representatives of the 26th instant, a copy of the proceedings of the court martial ordered by Commodore Isaac Chauncey, at the instance of Midshipman Marston, for the trial of Captain John Orde Creighton; and also of the memorials of the midshipmen and other officers in the Mediterranean squadron, emanating from the proceedings of the said court martial.

I have the honor to be, &c.

B. W. CROWNINSHIELD.

Hon. the SPEAKER *H. of R.*

Minutes of the proceedings of a court martial assembled on board the frigate Constellation, in the bay of Naples, upon the 26th of August, 1816, and held every day afterwards till —.

Present: Captain John Shaw, president; Captains Charles Gordon, O. H. Perry, W. M. Crane, John Downes, members; Doctor Robert S. Kearney, judge advocate.

Captain Creighton appeared in court, and all persons admitted. The order of Isaac Chauncey, Esq., Commodore, and commander-in-chief of the United States naval forces in the Mediterranean sea, dated the 26th day of August, 1816, directed to Captain John Shaw, for the trial of Captain John Orde Creighton, of the United States ship Washington, was read. The several members of the court were duly sworn, and the judge advocate also sworn. Captain Creighton, being

asked, declared he had no objections to the members of the court.

The court adjourned till to-morrow at ten o'clock.

TUESDAY MORNING, August 27, 1816.

The court met, pursuant to adjournment. Present: the president, members, and judge advocate.

The following charges and specifications, addressed to the president, were publicly read in court, and in the presence of Captain Creighton:

CHARGE 1st.—*Oppression.*

Specification.—In that on the 8th day of July, in the year of our Lord one thousand eight hundred and sixteen, in contempt and in direct violation of the laws for the better government of the Navy of the United States, John Orde Creighton, a captain in the Navy of the United States, and in command of the United States' ship Washington, did, on the quarter-deck of the said United States' ship Washington, while under way in the harbor of Gibraltar, then and there, without cause of provocation, violently strike me, John Marston, Junior, while in the execution of my duty, being a midshipman on board the United States' ship aforesaid, much to my discomfiture and disgrace.

CHARGE 2d.—*Ungentlemanly and unofficerlike conduct.*

Specification.—In that on the 9th day of July, in the year of our Lord one thousand eight hundred and sixteen, John Orde Creighton, a captain in the Navy of the United States' ship Washington, did provokingly and falsely accuse me, John Marston, Junior, being a midshipman on board the United States' ship aforesaid, of telling a mischievous falsehood; and in that the above mentioned John Orde Creighton did, then and there, on my denying the accusation, most vehemently threaten to heave me overboard, assuming thereby an authority not guarantied by the laws of the United States, nor by the sacred principles of justice.

JOHN MARSTON, JUN.

Captain Creighton being desired to plead to the foregoing charges, pleaded "not guilty;" whereupon the court proceeded to trial, as follows:

JOSEPH ODION, seaman, belonging to the United States' ship Washington, duly sworn on the part of the prosecution, says: I saw Captain Creighton strike Mr. Marston, who was standing by the capstan, while the ship was working out of the bay of Gibraltar.

Question by the court. What did Captain Creighton strike Mr. Marston with?

Answer. His hand—with his fist.

Question. Did it appear to you that Captain Creighton struck Mr. Marston by accident or design?

Answer. Design.

Question. What time of day was it?

Answer. Dusk.

Question. What part of his body did he strike?

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Answer. The back.

Question. Where was Mr. Marston standing?

Answer. By the capstan, on the quarter deck.

Question. When Captain Creighton struck him, where were you standing?

Answer. At the breast-backstay-falls; I was stationed there.

Question. Did Captain Creighton appear to know who Mr. Marston was?

Answer. I cannot say.

Question. How was Mr. Marston standing when Captain Creighton struck him?

Answer. I do not know how he was standing.

Question. Was there much noise at the time, in consequence of working ship?

Answer. There was some noise in consequence of working ship.

Question. Did Captain Creighton speak to Mr. Marston before or after striking him?

Answer. I cannot say. I did not hear him.

Question. Was Mr. Marston standing alone, or in a crowd?

Answer. I do not recollect.

Question. What effect had the blow upon Mr. Marston?

Answer. I did not notice the effect.

Question. Did Mr. Marston speak to Captain Creighton after receiving the blow?

Answer. No. I did not hear him.

Question. What induced you to believe that Captain Creighton struck Mr. Marston intentionally?

Answer. He appeared to be very angry; that induced me.

Question. Did he appear to be very angry with Mr. Marston only?

Answer. He was very angry with the men working ship.

Question. Was Mr. Marston in uniform, or easily distinguished in his dress from the men?

Answer. In his uniform, and easily distinguished from the men.

Question. Was it dark, or broad daylight?

Answer. It was dark; it was dusk.

Question. Was you so situated that you only could see Captain Creighton strike Mr. Marston?

Answer. There were others there who might have seen it.

Question. Which side of the capstan did this occur?

Answer. The starboard side.

Question. Were not the men working ship, and at their stations?

Answer. Yes.

Witness questioned by Captain Creighton.

Question. Did you not say I had a trumpet in the hand I struck Mr. Marston with?

Answer. You had a trumpet in your hand, but not in the one you struck him with.

Question. Was not Mr. Marston standing with his back to me?

Answer. I cannot say how Mr. Marston was standing.

Question. Did you not suppose it was to call his attention, and not meant as a blow?

Answer. It was intended as a blow.

Witness questioned by the Court.

Question. Was Mr. Marston standing, leaning, or walking the deck?

Answer. I do not know.

The witness declares he knows nothing in relation to the second charge. Directed to withdraw.

The prosecutor being asked, declined questioning the witness, and being also asked if he had any other witnesses to produce, named a Mr. Middleton, and on inquiry being made for him, it appears he is not in reach of the court. Mr. Marston then stated that the beforementioned Mr. Middleton was a material witness to make good his charges against Captain Creighton.

All parties were ordered to withdraw, and the court took the above statement into consideration. They observe thereon, that as it has been ascertained that Mr. Middleton is not within reach of the court, and also that, as he is not amenable to any process issuing from this court, and as there is no reasonable expectation that his attendance can be procured hereafter, they cannot put off the trial to a more distant day; it also appearing that Mr. Middleton is a witness both for and against the prosecution.

Midshipmen TALLMADGE and DERBY were duly sworn on the part of the prosecution.

Midshipman TALLMADGE examined, states as follows:

I heard Captain Creighton make use of this expression to Midshipman Marston, that he was guilty of of a malicious falsehood, but have since been induced to believe that he said a mischievous one.

Question by the court. Did you hear Captain Creighton tell Midshipman Marston he would throw him overboard?

Answer. I did not.

Question. Where was Captain Creighton and Midshipman Marston standing at the time Captain Creighton said he told a mischievous falsehood?

Answer. On the gun-deck, on the larboard side.

Question. What part of the ship were you in when you observed the parties?

Answer. I was passing the hatch on the quarter deck, and stopped there. I could not see all their bodies, I only saw the lower part of them.

Question. How did you know that Captain Creighton was speaking to Mr. Marston?

Answer. I heard their voices; and have no doubt on the subject.

The prosecutor being asked, declined putting any questions to the witness.

Witness was then questioned by Capt. Creighton.

Question. Are you positive it was on the gun-deck this expression was used?

Answer. Yes.

Question. On what part of the gun-deck?

Answer. Just forward of the bulk-head, near the ladder.

The witness was directed to withdraw.

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Midshipman DERRY examined, states, that he knows nothing in relation to the second charge and specification.

Witness questioned by prosecutor.

Question. Did not Mr. Tallmadge call on you to witness certain expressions of Captain Creighton?

Answer. He did call on me, but I heard nothing.

Witness questioned by Captain Creighton.

Question. When Mr. Tallmadge called you, did you see me, and what part of the ship was I in?

Answer. When Mr. Tallmadge called me, you was under the half deck; I was on the spar-deck at the after hatch.

The witness was directed to withdraw.

Midshipman MARSTON desired that his testimony might be heard by the court; he was sworn accordingly, and stated as follows: On the 8th of July, when we were standing out of Gibraltar bay, I was attending as usual on the quarter-deck to the commodore. I received a blow on the back. I turned round. Captain Creighton said damn my blood, why don't you attend to have the fore brace hauled in. I saw the order executed. The next day I wrote a letter to the commodore, stating that Captain Creighton had struck me. Captain Creighton called me on the main deck, and said, my report to the commodore was a mischievous falsehood. A short time afterwards he called me to the starboard gangway, and made use of the same expression. On denying his assertion, he told me he would throw me overboard. He then said, go and tell the commodore that he told me to be out of his sight; which order I obeyed.

Witness questioned by the Court.

Question. What did he strike you with?

Answer. With his fist as far as I could judge; he might have had the trumpet clenched in his hand.

Question. Was the blow severe or slight?

Answer. Pretty severe.

Question. Where was the commodore, and how near standing to you?

Answer. A little forward of me.

Question. Did you inquire the reason of the blow at the moment it was given; and did you say anything to Captain Creighton on the subject?

Answer. I did not.

Question. Were there any persons near you at the time, either officers or men?

Answer. There were a great many men. I did not observe any officers; there was considerable bustle.

Question. Was the blow given to call your attention to the duty going on, or was it from any other motive?

Answer. From the severity of the blow, I must think it was given maliciously.

Question. Was your manner and language perfectly respectful to Captain Creighton, when he

charged you with having asserted a mischievous falsehood?

Answer. It was not.

Question. Did Captain Creighton by his manner show any disposition to repeat the blow after you turned towards him?

Answer. I did not observe that he manifested a disposition to repeat the blow. I hurried off to execute the order.

Question. Did Captain Creighton speak to you in a loud tone of voice when he said, Damn my blood? &c.

Answer. Not very; he spoke in his common tone.

Question. Was the trumpet in the hand he struck you with?

Answer. From the feeling of the blow, I think it was with the plain fist.

Question. Did you make any complaint or remonstrance to Captain Creighton, he being your captain, previous to your report to the commodore?

Answer. I did not.

Question. Were you alone or in a crowd?

Answer. There were scattering men around me; they were going on with their duty; there was no great crowd.

Question. Was the ship in a situation to excite much anxiety in Captain Creighton, he being the captain of the ship?

Answer. At the time referred to the ship was not in such a situation as to cause anxiety.

Question. Did Captain Creighton strike many of the men on this occasion?

Answer. He broke one, or, I believe, two trumpets over the men's heads.

Question. Were not the officers generally at their stations on the deck?

Answer. I saw no officer on the deck at the time I went to execute the order.

Question. How did Captain Creighton compel you to retreat after you turned towards him?

Answer. He did not compel me; but from the manner in which he spoke and looked, it was my wish to be away from him as quick as possible.

Question. Have you ever had any conversations or private interviews with the seaman, (your witness,) on the subject of his evidence, and how did you know that he noticed the blow you complain of?

Answer. I have had no private interview with the sailor. I first heard from an officer that the sailor had observed the blow which I received from Captain Creighton. I afterwards took an opportunity of speaking to the sailor in the gangway on the subject; the opportunity was a mere chance; he was going on with duty with some other men. I asked him if he could swear in court to this assertion; he said he could. I added, that I presumed a court martial would sit in a few days, and I should call upon him.

Question. Did any other conversation take place between him and you on this subject?

Answer. No.

Question. Did you know that the first witness has ever been punished by Captain Creighton?

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Answer. He was formerly captain of the main-top, but broke. I do not know that he was flogged.

Question. What officer told you that this seaman noticed the occurrence; and how long after?

Answer. I understood from several officers that Midshipman Crowninshield had said this man saw the blow given.

Question. Did Captain Creighton say that your report was a malicious or a mischievous falsehood?

Answer. A mischievous.

Question. Which side of the capstan were you when you received the blow?

Answer. The starboard side.

The witness questioned by Captain Creighton.

Question. Which hand had I the trumpet in?

Answer. I do not recollect.

Question. How far from the capstan was you standing?

Answer. About two feet.

The evidence on the part of the prosecution here closed.

Commodore Isaac Chauncey, Lieutenant Shubrick, and Lieutenant Dudley, were duly sworn on the part of Captain Creighton.

Commodore Chauncey examined as follows:

Question by the court. Did you see Captain Creighton strike Mr. Marston?

Answer. No.

Question. Do you know anything in relation to the second charge?

Answer. Nothing. The Commodore proceeded to state, that he remembers the ship was working out of Gibraltar bay, on the evening of the 8th July. He heard Captain Creighton speak to a person who stood near him, and judged that he spoke to Mr. Marston, as he heard Mr. Marston reply, "he was attending on the Commodore." The next day he received a letter from Mr. Marston, stating that Captain Creighton had struck him. This letter I handed to Captain Creighton. The following day I received another letter from Mr. Marston, containing the charges and specifications. I had a conversation with Mr. Marston, and made some overtures to him by way of reconciling the subject of his complaint, stating to him my belief that Captain Creighton was incapable of offering such violence to an officer, and that I doubted not but Captain Creighton would readily satisfy him on this subject; these he declined, and stated his reasons for doing so. I repeated these overtures to Mr. Marston some days after, and they were still rejected. I then acquainted him that as the frigate United States had now arrived, and as soon as she should be released from quarantine, I should order a court martial for the trial of Captain Creighton.

Question by Captain Creighton. Did I not tell you when you showed me both of Midshipman Marston's letters that I was entirely ignorant of the circumstances he complained of, and have I not repeatedly told you so since?

Answer. When I showed Captain Creighton the first letter, he denied having any knowledge

of the circumstance. Captain Creighton has denied ever having any intention to strike Mr. Marston.

Question. Did not Mr. Marston say to you that he was urged by some officer to write you again on the subject?

Answer. Yes.

Question. Have you ever known me to show a disposition to tyrannize or oppress the officers of the Washington?

Answer. No. I should conceive it my duty to check it, if I made such discovery.

Question. Do you not think that I wished to call Mr. Marston's attention, and not to strike him?

Answer. I never believed for a moment that you struck Mr. Marston maliciously. When I received Mr. Marston's first letter, I supposed that you probably had pushed him with your trumpet to call his attention; it was quite dark at the time.

Question. Do you not think the officers of the Washington have every kindness and indulgence shown them that the service will admit of?

Answer. I know nothing to the contrary.

Question. If it had been a severe blow, are you not of opinion, standing where you did, that you should have heard something of it?

Answer. I think I should.

The Commodore further states to the court that the ship, at the time she was working out of the bay of Gibraltar, was in such a situation as to excite very great anxiety both in himself and Captain Creighton, and required the exertions of all the officers and crew.

The witness withdrew.

The court adjourned till to-morrow, ten o'clock.

WEDNESDAY MORNING, Aug. 28, 1816.

The court met pursuant to adjournment. Present: the members and Judge Advocate.

Lieutenant Shubrick examined as follows:

Question by Captain Creighton. Did I not request of you to see Mr. Marston, and assure him that I disavowed having given him, intentionally, anything like a blow, and that, if he chose to withdraw the charges, I would satisfy him fully on what he complained of?

Answer. I told Mr. Marston that Capt. Creighton disavowed any knowledge of having struck him, and that if he would withdraw the charges, he would satisfy him fully as to the language he complained of.

Question. Did he not at first show an indication to accept the proposal?

Answer. I had two conversations with Mr. Marston—one in the morning, the other in the afternoon. In the morning I thought he manifested some disposition to withdraw them; in the evening he did not.

Question. Did he not say that Commodore Rodgers was broke for striking a midshipman, and that it was only necessary to swear to the fact to have me punished in the same way?

Answer. He observed to me that one of the first officers in service was broke on a similar charge,

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and he supposed it only necessary to swear to the fact. I told him I thought differently. I presumed a court would inquire particularly into the intention of the person charged with the offence.

The prosecutor declined putting any questions to the witness.

Lieutenant Shubrick withdrew.

Captain Creighton declined troubling the court with the examination of Lieutenant Dudley. The prosecutor claimed the privilege of questioning Lieutenant Dudley, and the court took the same under consideration.

All parties withdrew.

The court came to the resolution to address the prosecutor as follows:

SIR: You having been highly favored in consequence of your youth, being allowed to appear as an evidence yourself, and to produce to the court two additional witnesses in support of your charges, the court decide that they will not receive the testimony of Lieutenant Dudley, believing that it cannot possibly be of any importance towards the support of your charges. The court have noticed in you a want of due respect to them, which their forbearance alone has heretofore prevented from noticing. The court warn you in future to bear in mind that similar conduct will call from them a more strong expression of their disapprobation.

There being no other witnesses to examine for or against the prosecutor, Captain Creighton presented to the court the annexed defence which was read by the judge advocate.

The court was then cleared, and the minutes read over by the judge advocate, and the following sentence pronounced.

SENTENCE.

The court having maturely and deliberately weighed and considered the whole matter, agree that the charges and specifications are not proved, and do therefore adjudge Captain Creighton to be acquitted; and he is hereby most fully and honorably acquitted accordingly.

The court further agree in opinion that the overture made by Captain Creighton to Midshipman Marston, through Commodore Chauncey, even if the charges could have been proven, ought to have been amply sufficient to an officer of Mr. Marston's grade, more especially when coming through the commander-in-chief, the public guardian of all our rights, who advised it. It has appeared, moreover, that a similar overture was made through the first lieutenant of the Washington, and rejected; the court do believe therefore that the prosecution was persisted in from malignant motives, and they feel it a duty they owe the service to express their decided disapprobation of such malicious, frivolous, and vexatious accusations. The court adjourned *sine die*.

JOHN SHAW, *President*.

CHARLES GORDON,

O. H. PERRY,

WM. W. CRANE,

JOHN DOWNES,

R. S. KEARNEY, *J. A.*

Approved: I. CHAUNCEY, *Comdr.*

Mr. President, and gentlemen of the Court:

I will trespass as little on your patience as possible, and only make such observations on the subject before you as appear necessary, in justice to my own character and reputation.

I had hoped that it would not be found necessary to trouble you at all with this affair; but, finding all my exertions to satisfy the young gentleman were ineffectual, I was at last driven to the necessity of asking the decision of a court martial—the only way I saw left me of checking exaggerated reports, and of removing unjust imputations against myself; and it is with the greatest cheerfulness that I place my honor in the hands of such characters as form this court. They can only judge what is right; and although they will tenaciously guard a young officer from oppression and wrong, yet I feel fully sensible that they will never encourage him in presuming beyond his age and station.

I am charged with having struck a midshipman upon the quarter-deck, and of having violated the fifteenth article of the "rules and regulations for the better government of the navy." I will state to the court how these charges originated; and I trust I have already proved to its satisfaction that it is not the high sense of honor, nor the fine feelings, nor yet the high sense of injury, that has induced this young man thus obstinately to reject every proper and honorable proposal to satisfy his feelings, but that he has been worked upon, and his mind poisoned, by some unworthy member of our corps, who, unable to make himself conspicuous as an officer or a seaman, takes delight in sowing the seeds of discontent; and, instead of doing his utmost to convince young officers that it is impossible for their commanders to harbor a hostile feeling towards them, he appears to exercise the feeble talent he possesses towards disorganizing the ship and creating insubordination. For himself, it is well he keeps concealed; but for the service it is truly unfortunate.

On the 7th day of July last, while at anchor in the bay of Gibraltar, I received an order to get the ship under way, which I attempted, and hove up the anchor. Finding I had not wind enough to take me clear of the vessels in the harbor, and that the current had set in towards the rock, I was under the necessity of anchoring again, until the boats of the squadron could come to our assistance; they having assembled round the ship, she was again got under way. It was then about sunset; and, in consequence of the light and baffling state of the wind, we were compelled to pass through our own and the Dutch squadron, and it required the greatest attention to the Washington to prevent her from falling on board one or more ships then at anchor. This made me extremely anxious, first, that no accident might happen; secondly, that the ship should be so managed as to sustain the character the navy had already acquired; and, thirdly, I was anxious for my own reputation as an officer and seaman. The situation of the ship, therefore, kept me constantly in motion, sometimes in one gangway,

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then in the other; sometimes one side of the quarter-deck, then on the other; and it is not unlikely, in passing thus quickly about the deck, that if a midshipman, or any other person, stood in my way, I might have shoved him out of it, or pushed him, to call his attention. Beyond this, I declare, in the presence of my God, was never my meaning or intention, (admitting the fact;) and when such trifles are magnified, and made the basis of a serious charge, it can only be considered frivolous and vexatious conduct. If he received anything like a blow, I solemnly aver it to be an accident; it never was intentional; for it would be as impossible for me to raise my hand in anger to an inferior officer, as it would be to move Mount Vesuvius. But, gentlemen, I am as ignorant of the whole of this transaction as you are, who did not see it; nor did I hear of it until the next day at noon. After reflecting upon the matter frequently, I have some slight recollection of speaking sharply to a midshipman then standing idle on the quarter-deck, and of his replying that he was attending on the Commodore; but at what time it happened, or on what part of the deck, I have racked my brain to think, and am yet in perfect darkness respecting it. I am particularly anxious to remove the impression this charge would convey; and I trust, after the solemn asseveration I have made, that no member of this court, or any other person present, can believe me to have been capable of such an outrage. Gentlemen, I am anxious to remove it on another ground. Can it be supposed for a moment that I would strike a midshipman by the side of the commander-in-chief, and one, too, that I had particularly ordered to attend him? Could I be so disrespectful? It is impossible; and I trust you are all convinced it is so. Had this officer turned to me at the time, and said, "Sir, you have struck me," I should immediately have made him ample apology on the spot for the accident, (for it could only be accidental, if it occurred at all,) and the matter there would have rested; but, on the contrary, he suffers the affair to slumber until noon the next day, and then addresses a letter to the Commodore, through whom I received my information. Offended at the indignity shown me, I sent for the midshipman in the starboard gangway, and inquired respecting the subject of his letter; and, believing myself as innocent as the child unborn, I did say it was a "mischievous falsehood." This I did religiously believe, and therefore pronounced it so. But, admitting that I did utter some hasty expressions, they were forced from me in consequence of the very provoking manner that he contradicted me, which the very law that he complains I violated forbids him to do; and is there nothing to set off against a little warmth of temper? Does the midshipman receive nothing from his captain? To whom does he look for comforts, for privileges, and indulgences, nay, for protection? Mr. President and gentlemen of the court, I conceive this rod was never intended to be held over the head of a captain; for if he is to be tried for every imaginary wrong that an officer may think proper to set

forth, there is at once an end to all authority and subordination.

I beg you, gentlemen, to bear in mind that it must have been dusk when the alleged offence was committed, and that the complainant had his back to me; and that I have made every effort to soothe his feelings, and remove any impression that I meant to do him an injury; and I do assure the court that I have taken more pains, and gone further to effect this, than I should have done to an equal or superior. The court, I am sure, will also recollect that the principal evidence they have, as to the blow, is the prosecutor himself; and I rest satisfied that they will consider well what he has said before they suffer his testimony to make an impression. As to the respectable witness he brought in support of the charge, I have no hesitation of saying, as my opinion, that he neither saw nor knew anything of the matter at the time; and I think I have proved by Lieutenant Shubrick that the complainant thought it only necessary to come before this court, and make oath to the fact, to deprive me of my sword. But whether he will succeed or not rests with this honorable body. Therefore, gentlemen, if it has been proved to the court that what is complained of was accidental and unintentional, (admitting that it took place,) and that it was zeal for the service and anxiety for the ship that made me notice him at all, why then I trust your acquittal will be full and honorable; and if, on the other hand, you are satisfied that I struck him designedly, and in contempt of the law, let your punishment be as exemplary.

JOHN ORDE CREIGHTON.

To His Excellency James Monroe, Esq., President of the United States of America.

This memorial respectfully sheweth:

Whereas we, as officers of that Government whose scheme of national welfare and virtuous policy has no equal in the history of the world, conceive it our high privilege and duty, both to ourselves and country, when any grievance of a serious and general, as well as individual nature, prevails, to appeal in a respectful manner to that authority which officially created us, praying suitable redress for the same. In the present view of things, the power of granting this the President and Congress alone possess.

It is not intended or desired that denunciation, or anything of an inflammatory or indecorous nature, shall take any part or have any place in this measure; nor is there any individual person upon whom we wish to vent a splenetic spirit; nor yet, as we conceive, does the moving cause alone concern any individual of us; but that all, particularly junior officers in the service, are equally interested, though probably some on home stations may not as yet be equally aware of the same.

However painful to your memorialists, they are compelled to declare that the laws of our service do not, in effect, secure us against perso-

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nal injury from (we would fain hope, and do believe) the few commanders, and other officers, who may be disposed to infringe upon our feelings, or do violence to our persons, by striking with the fist, sword, or any other weapon.

We are free to assert, as the facts have been unequivocally substantiated, indeed acknowledged, that upon this station American officers have not only been cursed, abused, insulted, and spurned, but traduced, and actually struck, by certain commanders, and for which no adequate penalty, redress, or correction has been adjudged by Commodore Chauncey, nor by legally organized courts martial. Measures of this kind may be productive of a menial and servile fear, such as characterize the oppressed and degraded mariners of fallen monarchies, but can never inspire or insure that spontaneous and dignified respect with which officers should deport themselves towards each other and their superiors. Your memorialists beg leave to draw your special attention, besides other instances, to the causes which have led to, and the subsequent proceedings and issue of, certain recent courts martial upon this remote and important station, the documents of which, we presume, have been forwarded to, and received at, the proper department. They deem it unnecessary at this time to cite specifically and in detail the numerous cases in view, as it would swell this instrument to an improper length; but when an investigation of the most important of them shall have been instituted by the President, or any other competent authority, it has only to signify or require it, when we stand prepared to substantiate facts and circumstances which no American can acquiesce in, and which, we trust, that authority to which we appeal will not suffer to pass by with impunity.

Should it be found necessary, as your memorialists apprehend will be the case, they hope that your wisdom may suitably suggest and urge to Congress the propriety of enacting a law, holding sacred our feelings from abuse, and persons from injury, until duly convicted of offences, for which suitable punishment shall have been awarded by a competent tribunal. That authority which officially created us, we are confident, will not subject us to injury and injustice.

On a home station your memorialists would not be under the painful necessity of presenting this address to your notice, believing, as they most firmly do, that it would not have for its foundation similar causes with those which have originated in extraordinary and unwarrantable practices here. In regard to their superior officers, they feel assured that the Government will not decide in favor of a presumptuous declaration made by an officer of elevated rank, that "the laws were not created to be held as a rod of chastisement over the heads of post captains." Can any American commander, we would ask, be allowed to utter such a monarchical and tyrannical

sentiment, particularly in the presence of so many young officers, who should ever look up to that grade of officers for examples of virtue, patriotism, and principles of correct discipline? If we are a free people, as is represented by the laws of our country, we pray that they may not be more rigidly enforced on inferiors than those set over them, where violations and crimes are the same; though laws, we are truly aware, extend to all alike, and an abuse of them cannot be imputed to their defect, but abused authority.

Your memorialists are not sensible of any article of the rules and regulations for the better government of the navy of the United States that is in anywise too rigid, as it is certain that a system of strict discipline is the basis and soul of every well-regulated and efficient military establishment.

Your memorialists forbear to enlarge further upon this subject, upon the numerous and baneful consequences which are certain to arise from a state of things where all discipline is disregarded. They are too obvious to require elucidation. With alacrity and a laudable zeal do we endeavor to execute, with promptitude, the orders of our superior officers; but if, unfortunately, we casually err, as is often innocently the case, we desire to be corrected, as the Government has ever contemplated, by the salutary mode prescribed by itself.

With every confidence in the justice of the Chief Executive of our beloved country, we beg leave to subscribe ourselves, with the most unfeigned respect, sir, your obedient humble servants,

James Goodrum,
Henry D. Scott,
Dan'l L. Desaussure,
Charles Ellery,
William Jamesson,
Otho Stallings,
Corne's K. Stribbling,
Fred'k Wolbert, jr.,
French Forrest,
Walter F. Jones,
Thomas A. Conover,
John B. Montgomery,
John A. Cook,
Abraham Hosack,
Charles Gaunt,
Richard M. Potter,
Joseph Mattison,
George A. Weaver,
F. W. C. Story,
Charles Lowndes,
Patrick H. Overton,
William W. Ramsay,
Wm. H. Campbell,
Richard S. Hunter,
George N. Hollins,
John S. Nicholas,
James T. Gerry,

William J. Belt,
Jacob Crowninshield,
Francis Sanderson,
Benjamin Tallmadge,
John M. Channing,
Robert Armistead,
Irvine Shurbrick,
David R. Stewart,
Thomas R. Gerry,
William C. Wetmore,
Charles Boorman, jr.,
Solomon Rutter, jr.,
Matthew C. Stout,
Rob't B. Cunningham,
James G. Boughan,
Arch'd R. Bogardus,
Edward A. Lansing,
Wm. M. Armstrong,
Joseph Moorhead,
Thomas Patten,
George F. Pearson,
Russell Baldwin,
John P. Tuttle,
Joshua W. Cochran,
Green Lynch,
William F. Shields,
John L. Cumming,
Midshipmen.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE FIFTEENTH CONGRESS, BEGUN AND HELD
AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1817.

An Act to abolish the Internal Duties.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the thirty-first day of December, one thousand eight hundred and seventeen, the internal duties on licenses to distillers; on refined sugars; licenses to retailers; sales at auction; carriages for the conveyance of persons; and stamped vellum, parchment, and paper, shall be discontinued; and all acts, and parts of acts, relative thereto, shall, from and after the said thirty-first day of December, be repealed: *Provided,* That, for the collection, recovery, remission, and receipt of such duties as shall have accrued, and on the day aforesaid remain outstanding, and for the payment of drawbacks or allowances on the exportation of any of the said spirits or sugars legally entitled thereto, provided the exportation be effected previous to the first day of January, one thousand eight hundred and nineteen, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said thirty-first day of December, the provisions of the aforesaid acts shall remain in full force and virtue.

SEC. 2. *And be it further enacted,* That the offices of the collectors of the internal duties and direct tax shall continue in each collection district, respectively, until the collection of the duties abovementioned, and of the direct tax, shall have been completed in such district, and no longer, unless sooner discontinued by the President of the United States, who shall be, and hereby is, empowered, whenever the collection of the said duties and tax shall have been so far completed in any district as to render, in his opinion, that measure expedient, to discontinue any of the said collectors, and to unite into one collection district any two or more collection districts, lying and being in the same State; in which case the collectors, thereafter employed in the collection of the said duties and tax in such State or district, shall be appointed and removeable by the President alone; and for the promoting of the collection of any of the abovementioned duties or tax, which may be outstanding after the said thirty-first day of December, the President of the United States shall be, and he hereby is, empowered, at any time thereafter, to make such allowance as he may think proper, in addition to the commis-

sions now allowed by law, to any of the collectors of the said duties and tax, and the same, from time to time, to vary: *Provided,* That the whole of such additional allowances shall not, in the aggregate, exceed five per centum of the amount of the duties and tax paid into the Treasury after that day; and that the extraordinary allowances authorized by the second and fourth sections of the act, passed March third, one thousand eight hundred and fifteen, entitled "An act to fix the compensation and increase the responsibility of the collectors of the direct tax and internal duties, and for other purposes connected with the collection thereof," shall, after the said thirty-first day of December, cease; and the office of commissioner of the revenue shall cease, and be discontinued, whenever the collection of the duties and tax abovementioned shall be completed, unless sooner discontinued by the President of the United States, who shall be, and hereby is, empowered, whenever the collection of the said duties and tax shall have been so far completed as, in his opinion, to render that measure expedient, to discontinue the said office; in which case, the immediate superintendence of the collection of such parts of the said duties and taxes as may then remain outstanding, shall be placed in such officer of the Treasury Department as the Secretary, for the time being, may designate: *Provided, however,* That all bonds, notes, or other instruments, which have been charged with the payment of a duty, and which shall, at any time prior to the said thirty-first day of December, have been written or printed upon vellum, parchment, or paper, not stamped or marked according to law, or upon vellum, parchment, or paper, stamped or marked at a lower rate of duty than is by law required for such bond, note, or other instrument, may be presented to any collector of the internal revenue, or collector of the customs within the State, and, where there is no such collector, to the marshal of the district, whose duty it shall be, upon the payment of the duty with which such instrument was chargeable, together with the additional sum of ten dollars; for which duty and additional sum, the said collector or marshal shall be accountable to the Treasury of the United States; to endorse upon some part of such instrument his receipt for the same; and thereupon the said bond, note, or other instrument shall be, to all intents and purposes, as valid and available to the person holding the same, as if it had been or were stamped, or

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marked, as by law required; anything in any act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That all persons who shall obtain, or who shall have obtained, licenses for stills or boilers, or for selling by retail, or certificates for carriages, extending beyond the said thirty-first of December, shall be allowed a deduction from the duties paid or secured by them, proportionate to the part of their term which may remain unexpired on the said thirty-first of December; and the several banks or bankers which may have agreed to make the annual composition of one and a half per centum on their dividends, in lieu of the stamp duty on the notes issued by them, shall pay only at the rate of one and a half per centum per annum on such dividends for the portion of a year that shall remain from the time of the last annual payment to the said thirty-first of December, to be estimated upon the dividend or dividends that have been or shall be declared and made by such bank or bankers, respectively, within a year from the time of such last annual payment; and in all cases in which payments shall have been made, or duties secured, for a term extending beyond the said thirty-first of December, on account of any certificates for the use of a carriage, or license to distil or retail, so much of the sums so paid or secured, as shall be proportioned to the part of the term which may remain unexpired, shall be refunded or remitted: *Provided*, That all duties on sales at auction effected, and on refined sugar removed, previously to the first day of January, one thousand eight hundred and eighteen, shall be paid in the same manner as if this act had not been passed.

SEC. 4. *And be it further enacted*, That all persons who shall, on or after the said thirty-first day of December, have any blank vellum, parchment, or paper, which has been stamped, and on which a duty has been paid to the use of Government, shall be entitled to receive; from the collector of the district to whom it may be delivered, or from such other revenue officer in the respective States or districts as may be designated for that purpose by the Secretary of the Treasury, the value of the said stamps, after deducting, in all cases, seven and a half per centum; and the said officers are hereby authorized to pay the same: *Provided*, The said blank vellum, parchment, or paper be presented within four months after the said thirty-first of December.

SEC. 5. *And be it further enacted*, That on all sums that may be refunded in virtue of this act, as well as all sums received after the thirty-first day of December aforesaid, and before notice of this act, the collectors shall be allowed a commission of six per centum, to be charged by them in settling their accounts with the Treasury Department.

SEC. 6. *And be it further enacted*, That in case a collector shall not have in his hands a sufficient sum out of which to refund the sums authorized to be refunded by this act, or to defray the expenses incident to the collection of the outstanding duties and direct tax, such repayments and

expenses shall be made and defrayed out of any money in the Treasury not otherwise appropriated.

SEC. 7. *And be it further enacted*, That if, on the settlement of the accounts of any collector relative to the direct tax and internal duties, balances shall be found due to and from him on the different accounts, they may be adjusted, so as to ascertain the final balances; and if this be in favor of the collector, it shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That the fifth section of the act, passed the third day of March, one thousand eight hundred and fifteen, entitled "An act to fix the compensation and increase the responsibility of the collectors of the direct tax and internal duties, and for other purposes connected with the collection thereof," shall cease after the thirty-first day of December, one thousand eight hundred and seventeen.

JOHN GAILLARD,

President pro tem. of the Senate.

HENRY CLAY,

Speaker of House of Representatives.

Approved, December 23, 1817.

JAMES MONROE.

An Act further to prolong the continuance of the Mint at Philadelphia.

Be it enacted, &c., That the act, entitled "An act concerning the Mint," approved March the third, one thousand eight hundred and one, is hereby revived, and continued in force and operation for the further term of five years from the fourth day of March next.

SEC. 2. *And be it further enacted*, That, during the continuance of the Mint at the city of Philadelphia, the duties which were enjoined on the Commissioner of Loans for the State of Pennsylvania, by the second section of the act, entitled "An act concerning the Mint," passed on the third day of March, one thousand eight hundred and one, shall be performed by the Collector of the port of Philadelphia for the time being.

Approved, January 14, 1818.

An Act allowing compensation to the members of the Senate, members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other laws on that subject.

Be it enacted, &c., That, at every session of Congress, and every meeting of the Senate in the recess of Congress, after the third day of March, in the year one thousand eight hundred and seventeen, each Senator shall be entitled to receive eight dollars for every day he has attended, or shall attend, the Senate, and shall also be allowed eight dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and that all sums for travel

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already performed, to be due and payable at the time of passing this act. And in case any member of the Senate has been, is, or shall be, detained by sickness on his journey to or from such session or meeting, or, after his arrival, has been, is, or shall be, unable to attend the Senate, he shall be entitled to the same daily allowance. And the President of the Senate pro tempore, when the Vice President has been, or shall be, absent, or when his office shall be vacant, shall, during the period of his services, receive, in addition to his compensation as a member of the Senate, eight dollars for every day he has attended or shall attend the Senate: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of eight dollars a day, from the end of one such session or meeting to the time of his taking his seat in another: *Provided also*, That no Senator shall receive more for going to, and returning from, the meeting of the Senate on the fourth day of March last, than if this act had not been passed.

SEC. 2. *And be it further enacted*, That at every session of Congress after the said third day of March, one thousand eight hundred and seventeen, each representative and delegate shall be entitled to receive eight dollars for every day he has attended, or shall attend the House of Representatives, and shall also be allowed eight dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and that all sums for travel already performed, to be due and payable at the time of passing this act. And in case any representative or delegate has been, is, or shall be, detained by sickness, on his journey to or from the session of Congress, or, after his arrival, has been, is, or shall be, unable to attend the House of Representatives, he shall be entitled to the same daily allowance. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a representative, eight dollars for every day he has attended, or shall attend, the House: *Provided always*, That no representative or delegate shall be allowed a sum exceeding the rate of eight dollars a day, from the end of one session to the time of his taking his seat in another.

SEC. 3. *And be it further enacted*, That the said compensation, which shall be due to the members of the Senate, shall be certified by the President thereof, and that which shall be due to the representatives and delegates, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public Treasury.

SEC. 4. *And be it further enacted*, That all acts, and parts of acts, on the subject of compensation to members of the Senate and of the House of Representatives, and delegates of the Territories, be, and the same are hereby, repealed from and after the third day of March last.

Approved, January 22, 1818.

An Act making further provision for repairing the public buildings.

Be it enacted, &c., That for the purpose of repairing the public buildings, a sum, not exceeding two hundred thousand dollars, be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied by the commissioner, under the direction of the President of the United States.

Approved, January 27, 1818.

An Act to allow the benefit of drawback on merchandise transported by land conveyance from Bristol to Boston, and from Boston to Bristol, in like manner as if the same were transported coastwise.

Be it enacted, &c., That all goods, wares, and merchandise, duly imported into either of the ports of Bristol and Boston, which shall be transported by land conveyance from the port of Bristol, by the way of Dighton and Taunton, to Boston; or from Boston on the same route, to Bristol; and which, being imported into Bristol shall be exported from Boston; or being imported into Boston shall be exported from Bristol; shall be entitled to the benefit of the drawback of the duties thereof, upon exportation to any foreign port or place, under the same provisions, regulations, restrictions, and limitations, as if the said goods, wares, and merchandise, were transported coastwise from one to another of the said districts; and on the proviso, that all the provisions, regulations, limitations, and restrictions, existing in the case of goods, wares, and merchandise, transported by any of the routes mentioned in the seventy-ninth section of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, shall be duly observed.

Approved, February 6, 1818.

An Act making appropriations for the payment of the arrearages which have been incurred for the support of the Military Establishment, previous to the first of January, one thousand eight hundred and seventeen.

Be it enacted, &c., That, for defraying any expenses which may have been incurred for the support of the Military Establishment, and those which have been incurred for calling out the militia, previous to the first of July, one thousand eight hundred and fifteen, there be appropriated the sum of four hundred thousand dollars; and that there be appropriated the further sum of one hundred thousand dollars, to defray any of the aforesaid expenses which may have been incurred from the first of July, one thousand eight hundred and fifteen, to the first of January one thousand eight hundred and seventeen.

SEC. 2. *And be it further enacted*, That the act passed on the third of March, one thousand eight hundred and seventeen, entitled "An act supplementary to an act, entitled 'An act further to amend the several acts for the establishment

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and regulation of the Treasury, War, and Navy Departments," shall not be so construed as to prevent the President from making transfers from any appropriation which may have been made for the support of the Military Establishment, previous to the first of January, one thousand eight hundred and seventeen, agreeably to the provisions of the act passed on the third of March one thousand eight hundred and nine, further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

Approved, February 16, 1818.

An Act to incorporate the Columbian Insurance Company of Alexandria.

Be it enacted, &c., That the Columbian Insurance Company of Alexandria, which was formed and established in the town of Alexandria on the twenty-eighth day of April, in the year one thousand eight hundred and fifteen, be and they are hereby created a body politic, and by that name shall have succession, shall sue and be sued, implead and be impleaded, in covenant, debt, case, by bill or by warrant, before any judge or justice, and in all courts of law and equity.

SEC. 2. *And be it further enacted,* That the capital of the said company, which now consists of two hundred and seventy-seven thousand dollars, in shares of fifty dollars each, may be increased whenever the business of the said company, in the opinion of the president and directors for the time being, may require it, to an extent not exceeding one million of dollars, in like shares.

SEC. 3. *And be it further enacted,* That the existing board of president and directors of said company may serve in those capacities until the next election of directors, on the first Monday of November, in the year one thousand eight hundred and eighteen; fourteen days before which period public notice shall be given by the said president and directors to the stockholders that an election will be held on that day; and they shall appoint two or more other stockholders as commissioners to superintend the same; at which election every stockholder shall be entitled to give one vote for each share which has stood in his name twenty days last preceding, for eleven persons, being stockholders, citizens of the United States, and residents of the District of Columbia, or of the county of Fairfax, in Virginia, as directors of said corporation. The persons thus elected shall, at their first meeting, proceed forthwith to fix the salary of the president, and afterwards to his election from their own body, and shall continue in office until the succeeding election of directors, and no longer. Under the same regulations shall an election be repeated annually. But if one happens not to be made on the day hereby limited, this charter shall not therefore be void, provided an election be completed within thirty days thereafter. No person shall continue president or director after ceasing to be a stockholder.

SEC. 4. *And be it further enacted,* That the pre-

sident and directors shall have power to make regulations for the government of the corporation: *Provided,* They be not repugnant to the laws of the United States or this act: to appoint a secretary, all other officers and servants, and to fix their compensations; to supply vacancies in their own body; to hold such real estate as may be necessary for the transaction of their business, not exceeding in amount forty thousand dollars, or that may be conveyed to them as security for debt; to vest the corporate funds in stock of the United States, or of any of the individual States, or in stock of any incorporated company, this corporation being inhibited from issuing any promissory note in the way of banking; to lend money on bottomry and respondentia; to insure lives; also, property against all manner of risks: *Provided,* Every insurance be expressed in writing, signed by the president, and attested by the secretary; and to sell the shares of any stockholder who shall fail to give satisfactory security for any part thereof that may be unpaid; also to sell, if the security which may have been given be manifestly impaired and deficient, and such stockholder shall fail to make it satisfactory when thereunto required; and further, to sell if such stockholder shall fail to pay instalments when demanded: nor shall any such sale preclude the liability of any such stockholder, his executors, and administrators, the endorser or endorsers, or any security he may have given, from making good any further injury which may be sustained.

SEC. 5. *And be it further enacted,* That the said president and directors shall conduct business in the town of Alexandria, in the District of Columbia; that they shall keep proper books and record their proceedings therein; that, on the first day of May and the first day of November in every year, they shall declare a dividend of so much of the clear profits as they may deem advisable, and within ten days thereafter shall pay the same to the stockholders: but it shall not be lawful for the said president and directors to include in such dividend the premium of any risk which has not actually terminated, nor to divide more than two-thirds of the clear profits, until, by the half-yearly appropriation of the other third thereof, a contingent fund of twenty thousand dollars shall be formed; and so often as the fund shall be impaired by losses, the said president and directors shall continue the half-yearly appropriation aforesaid, until it be restored to the amount before-mentioned.

SEC. 6. *And be it further enacted,* That every director who shall be present at the declaration of any dividend, in violation of the sixth section of this act, shall be individually answerable to the stockholders for the injury resulting therefrom, unless his protest be recorded on the books of the corporation.

SEC. 7. *And be it further enacted,* That every stockholder may sell and transfer his stock, provided the transferee give satisfactory security for the regular payment of such part of said stock as may then be uncalled for and unpaid; but all debts actually due and payable to the corporation

by the transferer, must be satisfied before such transfer shall be made; and, until such debts be recovered and paid, all dividends due, and which may become due, shall be applied to the credit thereof, unless the president and directors shall direct to the contrary.

SEC. 8. *And be it further enacted*, That this corporation shall continue until the thirty-first day of December, in the year one thousand eight hundred and thirty-seven; and on the dissolution or expiration of this charter, the president and directors for the time being shall take prompt and effectual measures for closing all its concerns; but no such dissolution or expiration shall operate so as to prevent any suits being brought or continued by or against the said corporation for any debt or claim due by or to the same, and which arose previously to said dissolution or expiration; but, for the purpose of closing its concerns, its corporate powers shall remain unimpaired.

SEC. 9. *And be it further enacted*, That Congress may, at any time during the period for which this charter is granted, repeal and annul the same.

Approved, February 16, 1818.

An Act making provision for the establishment of additional land offices in the Territory of Missouri.

Be it enacted, &c., That, for the disposal of the lands of the United States west of the Mississippi river, and in the Territory of Missouri, in addition to the land office now established by law, there shall be established within the said Territory the following offices, to wit: One at the seat of justice in the county of Howard, for all the lands lying within the following boundaries; beginning at a point where the western line of range ten, west from the fifth principal meridian, intersects the north line of township thirty-four; thence, west with said township line, to where the same intersects the Osage boundary line; thence, north with the Osage boundary line, to the Missouri river; thence, up and with the Missouri river, to the western Indian boundary line at the mouth of Kansas river; thence, north with the said western Indian boundary line, to where the same shall intersect the northern Indian boundary line; thence, east with the said northern Indian boundary, to where the same shall intersect the aforesaid west line of range ten; thence, south with the said range line, to the place of beginning. And a land office shall be established in the county of Arkansas, at such place as the President shall deem most convenient, for all the lands in the district bounded as follows: beginning on the river Mississippi, at the thirty-third degree of north latitude; thence, up and with the Mississippi river, to the mouth of St. Francis river, where the base line intersects the same; thence, west with the said base line to where the same shall intersect the meridian on which the Osage boundary line is run; thence, due south, to the thirty-third parallel of latitude; thence, east with the said parallel, to the place of beginning. And a land office shall be established at

the seat of justice in the county of Lawrence, for all the lands in the district bounded as follows: beginning on the base line, at the mouth of St. Francis; thence, up and with the Mississippi river, to the intersection of the same by the north line of township fifteen north; thence, west with the said north line of township fifteen, to where the same shall intersect the Osage boundary line; thence, due south to the aforesaid base line; thence, east with the said base line, to the place of beginning. And a land office shall be established at the town of Jackson, in the county of Cape Girardeau, for all lands in the district bounded as follows: beginning on the Mississippi river, where the north line of township fifteen north intersects the same; thence, up and with the Mississippi, to its intersection by the north line of township thirty-four north; thence, west with the said north line of township thirty-four, to the Osage boundary line; thence, south with the said boundary, to the north line of township fifteen; thence, east with the said township line, to the place of beginning. And all the lands within the following boundaries shall form a district for the land office established by law at St. Louis, in the county of St. Louis, viz: beginning on the Mississippi river, where the north line of township thirty-four north intersects the same; thence, up and with the Mississippi river, to the mouth of Desmoine river; thence, up and with the Desmoine, to the north Indian boundary line; thence, west with the said boundary, to the west line of range ten west; thence, south with said range line, to the north line of township thirty-four north; thence, east with the said township line, to the place of beginning.

SEC. 2. *And be it further enacted*, That so soon as, in the opinion of the President of the United States, there shall be a sufficient quantity of the public lands surveyed, within all or either of the land districts hereby established, to authorize the opening of all, or either, of the land offices aforesaid, he shall cause the same to be opened, and shall proceed, from time to time, to appoint, with the advice and consent of the Senate, for each of the said offices, a register and receiver of public moneys, who shall give security in the same sums, and in the same manner, and whose compensation, emoluments, and duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are, or may be, provided by law, in relation to the registers and receivers of public moneys in the several land offices established for the disposal of the lands of the United States northwest of the river Ohio and above the mouth of the Kentucky river.

SEC. 3. *And be it further enacted*, That, whenever a land office shall have been established in any of the districts aforesaid, and a register and receiver of public moneys appointed for the same, the President of the United States shall be, and he is hereby, authorized to direct so much of the public lands lying in such district as shall have been surveyed according to law, to be offered for sale, with the same reservations and exceptions,

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and on the same terms and conditions in every respect, as was provided for the sale of the public lands in the Territory of Louisiana, by the tenth section of an act, entitled "An act providing for the final adjustment of claims to lands, and for the sale of the public lands, in the Territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February sixteenth, one thousand eight hundred and eleven," except that the register and receiver of public moneys alone may be competent to superintend the public sales; and that, instead of one township for the support of a seminary of learning, there shall be two townships located for the purpose by the Secretary of the Treasury, and reserved from sale: *Provided*, That one of said townships shall be located on the waters of the Missouri, and the other on the waters of the Arkansas.

Approved, February 17, 1818.

An Act making appropriations for the military service of the United States for the year one thousand eight hundred and eighteen.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively, appropriated, viz:

For the pay of the Army of the United States, one million three hundred and three thousand dollars.

For subsistence, one million twenty-five thousand nine hundred and twenty-seven dollars.

For forage for officers, three thousand one hundred and sixty-eight dollars.

For bounties and premiums, forty-four thousand dollars.

For clothing, six hundred and eighteen thousand one hundred and fifty dollars.

For the medical and hospital department, fifteen thousand dollars.

For the ordnance department, one hundred and fifty-four thousand two hundred dollars.

For fulfilling contracts already entered into for cannon and shot, seventy thousand three hundred dollars.

For completing the arsenals and other works at Watertown, near Boston, thirty-nine thousand dollars.

For an arsenal near Augusta, in Georgia, forty thousand dollars.

For an arsenal at Baton Rouge, fifteen thousand dollars.

For an arsenal at Detroit, ten thousand dollars.

For completing the arsenal and other works at Watervliet, near Albany, ten thousand dollars.

For completing the arsenal and other works at Pittsburg, five thousand dollars.

For armories, three hundred thousand dollars.

For the Quartermaster's department, four hundred and sixty thousand dollars.

For contingencies of the army, sixty thousand dollars.

For the Indian department, two hundred thousand dollars.

For the purchase of maps, plans, books, and

instruments, for the War Office, one thousand dollars.

For gratuities and travelling expenses to soldiers discharged, seventy thousand dollars.

For fuel; transportation, class-books, repairs of barracks, and other buildings, and for contingent expenses of the Military Academy at West Point, twelve thousand and seventy-five dollars.

For the expense of medals for the officers of the army, ten thousand dollars.

For making and running the lines of the several cessions of land made by the Indians in the Illinois Territory, five thousand dollars.

For defraying the expense, which may have been incurred, for running and marking the boundary lines of the several cessions of land made by the Indians in the Missouri Territory, five thousand dollars.

To defray the expense of employing a brigade of militia, three hundred and six thousand seven hundred and forty-three dollars.

Approved, February 19, 1818.

An Act concerning the District of Brunswick, in the State of Georgia.

Be it enacted, &c., That the collector of the district of Brunswick shall reside at Darien, which shall be the sole port of entry for the said district; and that, instead of a surveyor for the port of Darien, there shall be one surveyor for the said district of Brunswick, who shall reside at such place in the said district as may be directed by the Secretary of the Treasury.

Approved, March 9, 1818.

An Act supplementary to the act, entitled "An act further extending the time for issuing and locating military land warrants, and for other purposes," &c.

Be it enacted, &c., That the time limited by the act, passed on the sixteenth day of April, one thousand eight hundred and sixteen, and to which this is a supplement, for issuing military land warrants, shall be extended to the first day of March, one thousand eight hundred and nineteen; and the time, limited by the said act, for the location of unlocated military land warrants, shall be extended to the first day of October, one thousand eight hundred and nineteen.

Approved, March 9, 1818.

An Act providing for the sale of certain lands in the district of Marietta, and for the location of claims and sale of certain lands in the district of Vincennes.

Be it enacted, &c., That, for the purpose of ascertaining the quantity, and providing for the sale, of the lands belonging to the United States, within the limits of a tract of one hundred thousand acres granted to Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, in trust for the persons composing the Ohio Company of Associates, in pursuance of the third section of an act, entitled "An act authorizing the grant and

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conveyance of certain lands to the Ohio Company of Associates," passed on the twenty-first of April, seventeen hundred and ninety-two, it shall be the duty of the Surveyor General, and he is hereby authorized, to require of the said Rufus Putnam, and other surviving patentees, in trust as aforesaid, to make a report to him of the quantity and situation of the lands by them conveyed, as bounties, to actual settlers, according to the conditions of the said third section and grant aforesaid; and, also, a duly attested copy of the field notes and plat of the surveys of the lands by them conveyed to actual settlers as aforesaid. And the Surveyor General, on receiving a satisfactory report of the quantity and situation of the lands so conveyed, shall cause the residue of the lands within the said tract to be surveyed in the same manner as the other public lands; or, if he shall deem it more convenient, into tracts of one hundred acres, conforming, as far as practicable, to the plan on which lots granted to actual settlers were laid off; and he shall make return of the surveys to the General Land Office, and the register of the land office at Marietta.

SEC. 2. *And be it further enacted*, That every person, or their legal representatives, whose claims were confirmed by any of the several acts for confirming claims to land in the district of Vincennes, and which claims have not been located, shall be authorized to enter their locations with the register of the land office at Vincennes, on any part of the tract set apart for that purpose in the said district, by virtue of an act, entitled "An act respecting claims to land in the Indiana Territory and State of Ohio," and in conformity to the provision of that act, and shall be entitled to receive certificates and patents in the same manner as provided by former laws respecting locations in the same tract: *Provided*, That the locations authorized by this act, and those authorized by an act, entitled "An act for the relief of certain claimants to land in the district of Vincennes," passed on the sixteenth of April, one thousand eight hundred and sixteen, shall be made before the first day of September next; and, after the said locations shall have been made and the surveys thereon completed, the Surveyor General shall cause the residue of the said tract to be surveyed, conforming, as far as practicable, to the plan for surveying the other public lands, and he shall make a return of the surveys to the General Land Office, and to the register of the land office at Vincennes.

SEC. 3. *And be it further enacted*, That such part of the tract, described by the first section of this act, as shall appear to belong to the United States, shall be offered for sale at Marietta, and such part of the tract described by the second section of this act, as shall not have been located under confirmed claims, shall be offered for sale at Vincennes. The said lands, in the said respective tracts, with the exception of the usual proportion for the support of schools, shall be offered for sale to the highest bidder, under the direction of the register of the land office and the receiver of public moneys for the said dis-

tricts, on such days, respectively, as shall, by proclamation of the President, be designated for that purpose; the sales at each place shall remain open six days, and no longer; the lands shall not be sold for less than two dollars an acre; and shall, in every other respect, both as to public and private sales, be sold on the same terms and conditions as other public lands in the same districts; and patents shall be obtained in the manner, and on the terms, provided in case of other public lands sold by the United States.

SEC. 4. *And be it further enacted*, That the superintendents of the public sales, directed by this act, shall each receive four dollars a day for each day's attendance on the said sales.

Approved, March 18, 1818.

An Act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war.

Be it enacted, &c., That every commissioned officer, non-commissioned officer, musician, and private soldier, and all officers in the hospital department and medical staff, who served in the war of the Revolution until the end thereof, or for the term of nine months, or longer, at any period of the war, on the continental establishment; and every commissioned officer, non-commissioned officer, mariner, or marine, who served at the same time, and for a like term, in the naval service of the United States, who is yet a resident citizen of the United States, and who is, or hereafter, by reason of his reduced circumstances in life, shall be, in need of assistance from his country for support, and shall have substantiated his claim to a pension in the manner hereinafter directed, shall receive a pension from the United States: if an officer, of twenty dollars per month during life; if a non-commissioned officer, musician, mariner, marine, or private soldier, of eight dollars per month during life: *Provided*, No person shall be entitled to the provisions of this act until he shall have relinquished his claim to every pension heretofore allowed him by the laws of the United States.

SEC. 2. *And be it further enacted*, That, to entitle any person to the provisions of this act, he shall make a declaration, under oath or affirmation, before the district judge of the United States of the district, or before any judge or court of record of the county, State, or Territory, in which the applicant shall reside, setting forth, if he belonged to the Army, the company, regiment, and line, to which he belonged; the time he entered the service, and the time and manner of leaving the service; and, in case he belonged to the Navy, a like declaration, setting forth the name of the vessel, and particular service in which he was employed, and the time and manner of leaving the service, and shall offer such other evidence as may be in his power; and, on its appearing, to the satisfaction of the said judge, that the applicant served in the Revolutionary war as aforesaid, against the common enemy, he shall certify and transmit the testimony in the

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case, and the proceedings had thereon, to the Secretary of the Department of War, whose duty it shall be, if satisfied the applicant comes under the provisions of this act, to place such officer, musician, mariner, marine, or soldier, on the pension list of the United States, to be paid in the same manner as pensions to invalids who have been placed on the pension list are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

SEC. 3. *And be it further enacted,* That every pension, by virtue of this act, shall commence on the day that the declaration under oath or affirmation, prescribed in the foregoing section, shall be made.

SEC. 4. *And be it further enacted,* That, from and after the passage of this act, no sale, transfer, or mortgage, of the whole, or any part, of the pension payable in pursuance of this act, shall be valid; and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Approved, March 18, 1818.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and eighteen.

Be it enacted, &c., That, for defraying the expenses of the Navy for the year one thousand eight hundred and eighteen, the following sums be, and they are hereby, respectively appropriated, viz: for pay and subsistence of the officers, and pay of the seamen, one million one hundred and thirty-five thousand five hundred and ninety-five dollars. For provisions five hundred and eleven thousand dollars. For medicine, hospital stores, and all expenses on account of the sick, including the marine corps, twenty-five thousand dollars. For repairs of vessels, three hundred thousand dollars. For contingent expenses, three hundred thousand dollars. For repairs of navy yards, docks, and wharves, one hundred thousand dollars. For pay and subsistence of marine corps, seventy-three thousand dollars. For clothing for the same, thirty-two thousand dollars. For military stores for the same, eleven hundred dollars. For contingent expenses for the same, sixteen thousand dollars. For the purchase of medals and swords, directed by different resolutions of Congress, fifteen thousand dollars.

SEC. 2. *And be it further enacted,* That the several appropriations hereinbefore made, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 18, 1818.

An Act for altering the time for holding the District Court for the District of Virginia.

Be it enacted, &c., That the terms of the district court for the district of Virginia, which are now directed by law to be holden on the twelfth day of April, in each year, shall hereafter be holden, for the said district, on the second day of April, in each year, except where such day shall

occur on Sunday, when the term of the said court shall commence and be holden on the next succeeding day.

Approved, March 19, 1818.

An Act extending the time for obtaining Military Land Warrants in certain cases.

Be it enacted, &c., That the provision of the second section of the act, entitled "An act to provide for designating, surveying, and granting the military bounty lands," passed on the sixth day of May, one thousand eight hundred and twelve, which limits the time within which persons entitled to military bounty lands shall make their application for a land warrant to five years from and after such person shall become entitled thereto, shall not be construed to apply to, affect, or bar, any application for a military land warrant, which may be made by the heirs and representatives of a deceased person, who was entitled thereto by services performed in the late war, or application by the heirs and representatives of any non-commissioned officer or soldier killed in action, or who died in the actual service of the United States, and entitled by existing laws to a bounty in lands; but the heirs and representatives of such persons shall be allowed to make their applications therefor at any time before the first day of May, one thousand eight hundred and twenty; any act to the contrary notwithstanding.

Approved, March 27, 1818.

An Act in addition to "An act making appropriation for repairing certain roads therein described."

Be it enacted, &c., That the sum of five thousand dollars be, and the same is hereby, appropriated, and payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of repairing and keeping in repair, the road between Fort Hawkins, in the State of Georgia, and Fort Stoddard in the Alabama Territory.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, and payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of repairing, and keeping in repair, that part of the road leading from Columbia, in the State of Tennessee, by the Choctaw agency, to Madisonville, in the State of Louisiana, which lies between the southern boundary of the State of Tennessee and the Indian boundary line, near Zadock Brashears' in the State of Mississippi; which sums shall be expended under the direction of the Secretary for the Department of War.

Approved, March 27, 1818.

An Act allowing additional salary and clerk hire to the Surveyor for the Illinois and Missouri Territories, and for other purposes.

Be it enacted, &c., That the Surveyor of the lands of the United States in the Territories of Illinois and Missouri, shall hereafter be allowed

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an annual compensation of two thousand dollars, in lieu of the compensation now fixed by law, and shall also be allowed three clerks, whose whole compensation shall not exceed two thousand dollars per annum.

SEC. 2. *And be it further enacted,* That the accounting officers of the Treasury Department be authorized to adjust and settle the accounts of William Rector, for his services as principal Deputy Surveyor, and Surveyor of the Illinois and Missouri Territories, and to allow him, in addition to his salary as fixed by law, the following fees, that is to say: for examining and recording the surveys executed by any of his deputies, at the rate of twenty-five cents for every mile of the boundary line of the surveys executed under his direction in the offices aforesaid: *Provided,* The allowance shall not be made on the surveys of private claims in any case where he has received, or is entitled to receive, similar fees from individuals.

Approved, April 3, 1818.

An Act to provide for the due execution of the laws of the United States within the State of Mississippi.

Be it enacted, &c., That all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said State of Mississippi as elsewhere in the United States.

SEC. 2. *And be it further enacted,* That the said State shall be one district, and be called the Mississippi district. And a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold, at the seat of government of the said State, two sessions annually, on the first Mondays in May and December; and he shall, in all things, have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district, under an act, entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for the said district, who shall reside, and keep the records of the court at the place of holding the same; and shall receive, for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. *And be it further enacted,* That there shall be allowed to the judge of the said district court the annual compensation of two thousand dollars, to commence from the date of his appointment; to be paid, quarter yearly, at the Treasury of the United States.

SEC. 4. *And be it further enacted,* That there shall be appointed, in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars, as a full compensation for all extra services.

SEC. 5. *And be it further enacted,* That a marshal be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the

same fees, as are prescribed to marshals in other districts; and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Approved, April 3, 1818.

An Act altering the time for holding a session of the District Court in the District of Maine.

Be it enacted &c., That the district court, heretofore by law holden on the last day of May, in each year, at Portland, within and for the district of Maine, shall hereafter be holden, at the same place, on the first Tuesday of June in each year.

Approved, April 3, 1818.

An Act respecting the Courts of the United States within the State of New York.

Be it enacted, &c., That, from and after the passing of this act, the district court of the United States, for the northern district of New York, shall be holden by the judge of the said district, and, in case of his inability on account of sickness, absence, or otherwise, it shall be the duty of the judge of the southern district of New York to hold the said court, in and for the said northern district, and to do and perform all other acts and duties of the judge of the said northern district, with the like power and authority in all respects. And whenever such inability of the judge of the said northern district, to hold any term of the said court, shall exist, it shall be his duty to give previous timely notice thereof to the judge of the said southern district.

SEC. 2. *And be it further enacted,* That there shall be held, in each year, three terms of the district court for the northern district of New York, to wit: at the city of Albany, on the second Tuesday of May, and on the second Tuesday of November; and at the village of Utica, in the county of Oneida, on the third Tuesday of May. And all suits and proceedings in the said court shall be revived, and shall continue in full force, in the same manner as if the said court had been regularly held according to law and had been adjourned to the term next to be holden by virtue of this act. And all process already issued, or which may be issued, out of the said court, before the passing of this act, shall be held and deemed returnable to the next term thereof to be holden by virtue of this act. And it shall be at the discretion of the judge of the said northern district of New York, or, in case of his inability, of the judge of the said southern district, to appoint and hold a court or courts at any other time or place, than those before mentioned, within and for the said northern district, as the business therein may require.

SEC. 3. *And be it further enacted,* That the said northern district of the State of New York shall be, and the same is hereby, enlarged, so as to include the counties of Albany, Rensselaer, Schenectady, Schoharie, and Delaware, in the said State.

SEC. 4. *And be it further enacted,* That all pro-

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ceedings hitherto had in the district courts of the United States, either for the northern or for the southern district of New York, in any suit at common law, or in any civil cause of admiralty and maritime jurisdiction, in continuation of any such suit or cause which had been instituted in the former district court of the United States for the district of New York, be, and the same hereby are, declared as valid and effectual as if the same suit or cause had been originally instituted in the district court in which such proceedings have been had.

Sec. 5. *And be it further enacted*, That the jurisdiction of every suit or cause, either at common law, or of maritime and admiralty jurisdiction, whether the same hath or hath not been instituted in the district court of the former district of New York, wherein the cause shall have arisen, or the seizure shall have been made, within the limits of the northern district of New York, as prescribed by this act, and which hath not been proceeded in to final judgment or decree, shall be vested in the district court for the northern district of New York; and all pleadings, libels, claims, evidences, and papers, whatsoever, that may have been filed, and all moneys which may have been paid or deposited, in the office of the clerk of the former district of New York, or of the clerk of the southern district of New York, in every such suit or cause, shall be transferred to, and filed and deposited in, the office of the clerk of the northern district of New York. And the said district court for the northern district of New York shall have as full power to hear, try, and determine, the said suits and causes, and to proceed therein to final judgment and decree, as the district court for the district of New York had by law. And the jurisdiction of all suits or causes, whether at common law, or of admiralty and maritime jurisdiction, whether the same hath or hath not been instituted in the district court, for the former district of New York, wherein the cause of action shall have arisen, or the seizure shall have been made, within the limits of the southern district of New York, and which have not been proceeded in to final judgment or decree, shall be vested in the district court for the said southern district of New York, and the said court shall have as full power to hear, try, and determine, the said suits and causes, as the district court for the district of New York had by law.

Sec. 6. *And be it further enacted*, That the original jurisdiction of the circuit court of the southern district of New York shall be confined to causes arising within the said district, and shall not be construed to extend to causes of action arising within the northern district of New York.

Approved, April 3, 1818.

An Act to provide for the erection of a court-house, jail, and public offices, within the county of Alexandria, in the District of Columbia.

Be it enacted, &c., That it shall and may be lawful for the levy court of the county of Alexandria, in the District of Columbia, to erect, or cause to be erected, a good and sufficient jail for

said county; and, whenever the levy court of the said county shall transmit to the marshal a certificate, that the jail hereby provided for is so far finished as to be ready for the reception of persons, it shall be the duty of the marshal forthwith to remove to the said jail all prisoners who shall at that time be confined in the present jail of the said county.

Sec. 2. *And be it further enacted*, That the said levy court may cause to be erected, if they deem expedient, at the expense of the county, a good and convenient court-house, and a fire-proof office for records, to be built of stone or brick; and that it shall be the duty of the said court to cause the jail before provided for, and the said court-house and office, when erected, to be kept in a good state of repair. And if it should be considered expedient by the said court to erect the said court-house and office in any other place than the present market square, the said court is hereby authorized and empowered to purchase, within the limits of the town of Alexandria, a lot of ground, not exceeding two acres, for the erection of the said buildings and of the said jail, and for no other use whatever.

Sec. 3. *And be it further enacted*, That the levy court of the county of Alexandria shall, from time to time, as it shall be necessary, levy on the titheable, and other taxable property, within the said county, the sums of money which shall be necessary to carry into full effect the several provisions of this act.—Approved, April 3, 1818.

An Act to regulate the fees of Public Notaries in the county of Washington, in the District of Columbia.

Be it enacted, &c., That the public notaries appointed for, and residing in, the county of Washington, in the District of Columbia, shall be, and they are hereby, severally authorized to demand and receive, for any services required of them in that capacity, such fees as are now allowed to the public notaries of the State of Maryland, by the laws of that State, for similar services.

Approved April 4, 1818.

An Act to establish the Flag of the United States.

Be it enacted, &c., That, from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white: that the union be twenty stars, white in a blue field.

Sec. 2. *And be it further enacted*, That, on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next succeeding such admission.

Approved, April 4, 1818.

An Act supplementary to the act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated land within the same," passed the eighteenth of April, one thousand eight hundred and six.

Be it enacted, &c., That it shall be lawful for

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the State of Tennessee to issue grants and perfect titles on all special entries and locations of lands in the said State, made, pursuant to the laws of North Carolina, before the twenty-fifth day of February, in the year one thousand seven hundred and ninety, which were good and valid in law, and recognised by the act of the said State of North Carolina, commonly called the cession act, passed the — day of December, one thousand seven hundred and eighty-nine, and which lie west and south of the line described in the act to which this is supplementary; and also to issue grants and perfect titles on all warrants of survey, interfering entries and locations, which might be removed by the cession act of North Carolina aforesaid, and which are good and valid in law, and which have not been actually located or granted, east and north of the aforesaid line; and all interfering grants which are good and valid in law, or the warrants or certificates legally issued, in consequence of such interference, on land lying south and west of the said line, in the manner, and under the same or similar rules, regulations, and restrictions, as are prescribed by the laws now in force in the said State of Tennessee, for issuing grants and perfecting titles on claims of a like nature for lands lying north and east of the said line.

SEC. 2. *And be it further enacted*, That, previous to issuing a grant or perfecting a title on any of the claims hereinbefore described, the warrant, or other legal evidence of such claim, shall be laid before the Commissioner of Land Claims for West Tennessee, for the time being, appointed by the authority of the said State, and approved by him as valid, upon sufficient legal evidence being adduced of such validity, according to the rules and regulations prescribed by the laws of the said State now in force, for deciding on warrants and other land claims of the like nature, authorized to be perfected into grants, north and west of the aforesaid line; and upon such warrant or other legal evidence, of any of the claims aforesaid, being declared valid by said commissioner, it shall be lawful for the surveyor of the proper district, or county, to lay off and survey the same, in the manner prescribed by the laws of the said State in similar cases, and return such survey to the register of the land office of West Tennessee, who shall thereupon be authorized to make out a grant thereon, to be executed by the Governor, and countersigned by the Secretary of the said State, in the manner provided by the laws of the same: *Provided*, That no surveys shall be made, grants issued, or titles perfected, by virtue of this act, for any land to which the Indian claim has not been previously extinguished.

SEC. 3. *And be it further enacted* That those persons who have had surveys made, and obtained grants, from the State of North Carolina, since the twenty-third day of December, in the year of our Lord one thousand eight hundred and eleven, for lands lying within the State of Tennessee, shall, upon surrendering such grants to the said commissioner of land claims for West Tennessee, for the time being, to be cancelled

and vacated, be allowed to produce the entries, warrants, or other evidences of claims, upon which such grants were founded; and if the said claims shall be deemed good and valid by the said commissioner, then it shall be lawful for the State of Tennessee to issue grants and perfect titles on such claims, in the same manner as if no such grants had been issued by the State of North Carolina.

Approved, April 4, 1818.

An Act declaring the consent of Congress to an act of the State of North Carolina for the relief of sick and disabled American seamen.

Be it enacted, &c., That the assent of Congress be, and hereby is, granted and declared to an act of the Legislature of the State of North Carolina, entitled "An act for the relief of sick and disabled American seamen," and passed on the twenty-third day of December last; and the said act is hereby ratified and confirmed.

SEC. 2. *And be it further enacted*, That this act shall be in force for five years, and no longer.

Approved, April 4, 1818.

An Act concerning the bounty or allowance to fishing vessels in certain cases.

Be it enacted, &c., That, where any fishing vessel of the United States has been, since the eighteenth day of February, in the year one thousand eight hundred and fifteen, prevented, by illegal capture or seizure, under authority, or pretence of authority, from any foreign Government, from fishing at sea, for any part of the term of four months required by law to be employed by such vessel in fishing, in order to entitle the owner of such vessel to the bounty or allowance prescribed by law, the time of the unlawful detention of such vessel shall be computed as a part of the said four months, and such bounty or allowance shall be paid accordingly: *Provided*, That such vessel has, in all other respects, complied with the requisites of the laws now in force.

Approved, April 4, 1818.

An Act limiting the time for claims being produced for lands authorized to be granted to the inhabitants of New Madrid.

Be it enacted, &c., That every person claiming lands in virtue of the act, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes," passed on the seventeenth day of February, one thousand eight hundred and fifteen, shall make application therefor, and produce evidence in support of his claim to the recorder of land titles for the said Territory, on or before the first day of January next; and the said recorder shall not issue a certificate for any claim as aforesaid, the evidence in support of which shall not have been produced to him within the time limited as aforesaid.

Approved, April 9, 1818.

An Act concerning the Territory of Alabama.

Be it enacted, &c., That any person or persons who have or may hereafter purchase, from the United States, one quarter section or more of land in the Alabama Territory, and shall have paid one-fourth part thereon, as the law in such cases requires, and shall have obtained a certificate of the proper land office to that effect, shall be competent to hold any office of honor or profit in the said Territory, anything in the ordinance or former laws of the United States to the contrary notwithstanding.

Approved, April 9, 1818.

An Act to incorporate a Fire Insurance Company in the city of Washington.

Be it enacted, &c., That the subscribers to this company, their successors and assigns, shall be, and they are hereby, created a body politic, by the name and style of the Franklin Insurance Company, and shall, by that name, have succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law in the United States.

SEC. 2. *And be it further enacted,* That a subscription be opened in the city of Washington, under the direction of John Davidson, Satterlee Clark, Alexander Kerr, R. C. Weightman, Benjamin G. Orr, William Brent, Samuel Miller, and William Doughty, or a majority of them, for raising a capital stock of two hundred and fifty thousand dollars, in shares of twenty-five dollars each; and that each person, upon subscribing, pay to the persons above mentioned, five dollars upon each share so subscribed for; and that the remainder of the said twenty-five dollars shall be secured by negotiable notes, signed and endorsed to the satisfaction of the aforesaid John Davidson, Satterlee Clark, Alexander Kerr, R. C. Weightman, Benjamin G. Orr, William Brent, Samuel Miller, and William Doughty, or a majority of them, and payment thereof may be thereafter demanded, at such times, and in such proportions, as the president and directors, hereafter mentioned, shall judge advisable, giving six weeks' notice in at least three of the gazettes printed in the District of Columbia.

SEC. 3. *And be it further enacted,* That every subscriber shall be entitled to vote by himself, his agent, or proxy, appointed under his hand and seal, attested by two witnesses, at all elections made by virtue of this act; and shall have as many votes as he holds shares, as far as ten shares; one vote for every five shares, which he may hold over ten shares, as far as fifty other shares; and one vote for every thirty shares, which he may hold over sixty shares; and every stockholder, (not in debt to the company) may, with the assent of the president and directors, in person, or by power of attorney, assign and transfer his stock in the company, in the books of the same, or any part thereof, not being less than a whole share; but no stockholder, indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is paid, or se-

cured to the satisfaction of the president and directors.

SEC. 4. *And be it further enacted,* That, as soon as five thousand shares shall be subscribed, the persons hereby authorized to receive subscriptions shall call a meeting of the subscribers, giving two weeks' notice in two of the papers printed within the District; and the subscribers who shall assemble in person, or by proxy, shall choose, by ballot, from among the stockholders, by a majority of votes, twelve directors, who shall continue in office until the first Monday in June, in the year one thousand eight hundred and nineteen; on which Monday in June, in every succeeding year thereafter, an election shall be held for twelve directors, as aforesaid, who shall continue in office for one year from the time of their election, and until others be chosen in their stead. And the said directors, at their first meeting, shall choose, from among themselves, or from the stockholders at large, a president, and allow him a reasonable compensation for his services; and in case of death, removal, resignation, or other disqualification of the president, or any of the directors, the remaining directors may elect others to supply their places during the remainder of the term for which they were chosen; and in every case where one of the directors shall be chosen president, the vacancy shall be supplied, as in the case of death, removal, or resignation. That the persons hereby authorized to receive subscriptions, or any three of them, be a committee to superintend the first election of directors, and a committee of three stockholders, not being directors, be appointed by the directors to superintend every succeeding election.

SEC. 5. *And be it further enacted,* That the president and directors shall have power to ordain and make such by-laws, ordinances, and regulations as shall appear necessary for regulating and conducting the concerns of the company, not being contrary to this act, or the laws and Constitution of the United States. And the funds of the company, as they shall arise, may be vested in the funded stock of the United States, or of any individual State, or in the stock of any incorporated bank.

SEC. 6. *And be it further enacted,* That the members of the company shall not be liable for any loss, damage, or responsibility, other than the property they have in the capital or funds of the company, to the amount of the shares respectively held by them, and any profits arising therefrom not divided: *Provided,* The said corporation shall, from time to time, apply all sums of money received by them for premiums, to the payment of losses in the first instance, and to make up the amount of their original capital, whenever it shall have suffered any diminution by losses.

SEC. 7. *And be it further enacted,* That the president and directors, for the time being, shall have power to dispose of, according to the provisions of the second section of this act, the shares which may remain unsold at the formation of the company; and they shall have power

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also to provide, by purchase or otherwise, a suitable place for an office, to make all rules and regulations for conducting the business of insurance and the concerns of the company, not provided for by this act; to appoint a secretary, and such other officers as they may find necessary; and to make such compensation for their services as they may deem proper; that they shall have full power and authority to make insurances against fire, on any and every description of property. All policies of insurance and other contracts, made by said company, signed by the president and countersigned by the secretary, shall be obligatory on said company, and have the same effect as if the said policies and contracts had been attested by corporate seal.

SEC. 8. *And be it further enacted*, That the said president and directors shall conduct business in the city of Washington; that they shall keep proper books, and record their proceedings therein; that, on the first Monday of May, and the first Monday of November, in every year, after the first year, they shall declare a dividend of so much of the clear profits as they may deem advisable, and within ten days thereafter shall pay the same to the stockholders; but it shall not be lawful for the said president and directors to include, in such dividend, the premiums of any risk which has not actually terminated, nor to divide more than two-thirds of the clear profits, until, by the half-yearly appropriation of the other third thereof, a contingent fund of twenty thousand dollars shall be formed; and as often as the fund shall be impaired by losses, the said president and directors shall continue the half-yearly appropriation aforesaid, until it be returned to the amount beforementioned.

SEC. 9. *And be it further enacted*, That every director who shall be present at the declaration of any dividend in violation of the eighth section of this act, shall be individually answerable to the stockholders for the injury resulting therefrom, unless his protest be recorded in the books of the corporation.

SEC. 10. *And be it further enacted*, That in case any action shall be prosecuted on any insurance made by virtue of this act, it shall be deemed sufficient service of such process to leave a copy thereof with the president or secretary for the time being, and all recoveries had in any such action or actions shall be conclusive on the company, so far as to render the stock and property of the company liable, and no further.

SEC. 11. *And be it further enacted*, That this act shall be and continue in force for and during the term of twenty years from and after the passing thereof, and until the end of the next session of Congress; and on the dissolution or expiration of this charter, the president and directors, for the time being, shall take prompt and effectual measures for closing all its concerns; but no such dissolution or expiration shall operate, so as to prevent any suits to be brought or continued, by or against the said corporation, for any debt or claim due by or to the same, and which arose previously to said dissolution or ex-

piration; but, for the purpose of closing its concerns, its corporate powers shall remain unimpaired.

SEC. 12. *And be it further enacted*, That this corporation shall not issue any promissory note in the way of banking; and that Congress may, at any time during the period for which this charter is granted, repeal and amend the same.

Approved, April 9, 1818.

An Act making appropriations for the support of Government for the year one thousand eight hundred and eighteen.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively, appropriated; that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, two hundred thousand dollars.

For the expenses of fire wood, stationery, printing, and all other contingent expenses, of the two Houses of Congress, thirty-seven thousand dollars.

For the expenses of the library of Congress, including the librarian's allowance, for the year one thousand eight hundred and eighteen, one thousand three hundred and fifty dollars.

For compensation to the President of the United States, twenty five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For rent and repairs of a house occupied by the President of the United States, eight hundred and ninety dollars.

For compensation to the Secretary of State, five thousand dollars.

For compensation to the clerks employed in the Department of State, thirteen thousand seven hundred and fifty dollars.

For compensation to the messenger in said Department, and for the Patent Office, six hundred and sixty dollars.

For the contingent and incidental expense of the said Department, including the expenses of printing and distributing copies of the laws of the first session of the fifteenth Congress, and printing the laws in newspapers, and to provide for a deficiency in the appropriation for the year one thousand eight hundred and seventeen, nineteen thousand eight hundred and thirty dollars.

For compensation to the Secretary of the Treasury, five thousand dollars.

For compensation to the clerks employed in the office of the Secretary of the Treasury, ten thousand four hundred and thirty-three dollars.

For compensation to the messenger and assistant messenger in the office of the Secretary of the Treasury, seven hundred and ten dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks employed in the office of the First Comptroller of the Treasury, fifteen thousand five hundred and sixteen dollars.

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For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks employed in the office of the Second Comptroller of the Treasury, eight thousand eight hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the First Auditor's office, fifteen thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the Second Auditor's office, sixteen thousand seven hundred and seventy-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the Third Auditor's office, twenty thousand eight hundred and sixty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the Fourth Auditor's office, fourteen thousand seven hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the Fifth Auditor's office, nine thousand eight hundred and fifty dollars.

For compensation to the messenger in said office, including a provision for his services in one thousand eight hundred and seventeen, for which no appropriation was made, seven hundred and thirty-three dollars fifty cents.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks employed in the Treasurer's office, five thousand four hundred and forty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks employed in the office of said Commissioner, eleven thousand nine hundred and fifty dollars.

For compensation to additional clerks employed in that office, during the last quarter of one thousand eight hundred and seventeen, one thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Commissioner of the Revenue, three thousand dollars.

For compensation to the clerks employed in the office of the said Commissioner, nine thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks employed in the office of said Register, seventeen thousand and twenty-eight dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For stating and printing the public accounts for the years one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen, two thousand four hundred dollars.

For the expense of translating foreign languages, allowed to the person employed in transmitting passports and sea-letters, for stationery, printing, fuel, and other contingent expenses in the said department, and in the several offices therein, thirty-three thousand six hundred and fifty dollars.

For compensation to a superintendent and two watchmen, employed for the security of the Treasury buildings, and for repairs of two fire engines, hose, and fire-buckets, one thousand one hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the Secretary of War, fifteen thousand two hundred and thirty dollars.

For compensation to the messenger and his assistants in said office, seven hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, four thousand dollars.

For compensation to the Paymaster General of the Army, two thousand five hundred dollars.

For compensation to the clerks employed in the office of the Paymaster General of the Army, ten thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses, in said office, two thousand dollars.

For compensation to the Commissary General of Purchases, three thousand dollars.

For compensation to the clerks employed in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, three hundred and sixty dollars.

For expense of fuel, stationery, printing, office rent, and other contingent expenses, in said office, nine hundred and thirty dollars.

For compensation to the clerks employed in the office of the Adjutant and Inspector General, one thousand eight hundred dollars.

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For compensation to clerks employed in the Ordnance office, one thousand dollars.

For compensation to the Secretary of the Navy, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the Secretary of the Navy, seven thousand two hundred and thirty-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses, in said office, two thousand five hundred dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For completing the surveys of certain ports and harbors, for the purpose of selecting two stations for the establishment of arsenal ports, twenty-five thousand dollars.

For discharging the sum to be paid to the Creek nation of Indians, during the present year, pursuant to the treaty with them of the twenty-second January, one thousand eight hundred and eighteen, twenty thousand dollars.

For defraying the expenses of printing done pursuant to the resolution directing the publication and distribution of the journal and proceedings of the Convention which formed the Constitution of the United States, ten thousand dollars.

For defraying the expenses of digesting and printing certain laws and regulations relative to the navigation and trade of the United States in foreign countries, pursuant to a resolution of the Senate of the third of March, one thousand eight hundred and seventeen, five thousand dollars.

For compensation to the Secretary of the Navy Board, two thousand dollars.

For compensation to the clerks employed in the office of the Navy Board, three thousand three hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For the contingent expenses of the Navy Board, two thousand dollars.

For compensation to a superintendent and two watchmen, and for other expenses incurred for the security of the buildings occupied by the State, War, and Navy Departments, two thousand four hundred dollars.

For compensation to the Postmaster General, three thousand dollars.

For compensation to the Assistant Postmaster General, one thousand seven hundred dollars.

For compensation to the Second Assistant Postmaster General, one thousand six hundred dollars.

For compensation to clerks employed in the General Post Office, nineteen thousand three hundred and five dollars.

For compensation to the messenger and his assistants in said office, six hundred and sixty dollars.

For the contingent expenses of the General Post Office, three thousand six hundred dollars.

For compensation to the Surveyor General and his clerks, four thousand one hundred dollars.

For compensation to the Surveyor south of Tennessee, his clerks, and for the contingent expenses of his office, three thousand seven hundred dollars.

For compensation to the Surveyor in the Illinois and Missouri Territories, one thousand dollars.

For compensation to the Surveyor in the northern part of the Alabama Territory, one thousand five hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington, two thousand dollars.

For compensation to the officers and clerks of the Mint, nine thousand six hundred dollars.

For wages of persons employed in the different operations of the Mint, eight thousand five hundred dollars.

For repairs, cost of iron and machinery, rents, and other contingent expenses of the Mint, three thousand two hundred and seventy-five dollars.

For allowance for wastage in the gold and silver coin, three thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Illinois Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Missouri Territory, seven thousand eight hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Michigan Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Alabama Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges of the United States, including the Chief Justice and Associate Judges of the District of Columbia, sixty-three thousand dollars.

For compensation to the Attorney General of the United States, three thousand dollars.

For compensation of sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, eight thousand three hundred dollars.

For compensation to the Reporter of the Decisions of the Supreme Court of the United States, for the years eighteen hundred and seventeen and eighteen hundred and eighteen two thousand and dollars.

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For the payment of sundry pensions granted by the late and present Governments, sixteen hundred and forty dollars.

For the payment of the annual allowance to the pensioners of the United States, to be disbursed under the direction of the Secretary of War, three hundred and sixty thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, including the purchase and transportation of oil, keepers' salaries, repairs, and improvements, and contingent expenses, sixty thousand two hundred and thirty-six dollars.

For discharging the claims of the inhabitants of the late province of West Florida, for advances made for the use of the United States prior to, and since, the taking possession of the said Territory, as liquidated by the Department of State, including principal and interest, forty-one thousand three hundred and fifty-six dollars and seventy cents.

For compensation to the Commissioner for settling claims for property lost, five hundred and fifty dollars.

For compensation to the clerk employed in the office of said Commissioner, two hundred and seventy-five dollars.

For stationery, fuel, printing, and other contingent expenses in said office, including a deficiency in the appropriation of last year, six hundred and sixty-five dollars.

For the salary of additional clerks, from the first of February, one thousand eight hundred and seventeen, to ninth of April, one thousand eight hundred and eighteen, fourteen hundred and thirty-nine dollars.

For the hire of a messenger for the same period, four hundred and eighty-four dollars.

For defraying the expense of surveying the public lands within the several States and Territories of the United States, one hundred and sixty thousand seven hundred and sixty dollars.

For salaries of the Ministers of the United States to London, Paris, St. Petersburg, Rio Janeiro, Stockholm, Madrid, and the Hague, and their several secretaries of legation, seventy-seven thousand dollars.

For outfits of Ministers of the United States at London and St. Petersburg, eighteen thousand dollars.

For the contingent expenses of the missions aforesaid, ten thousand dollars.

To provide for a deficiency in the appropriation of one thousand eight hundred and seventeen, for intercourse with foreign nations, twenty thousand dollars.

For the contingent expenses of intercourse between the United States and foreign nations, eighty thousand dollars.

For the expenses of intercourse with the Barbary Powers, forty-two thousand dollars.

For the expenses necessary during the present year, for carrying into effect the fourth, fifth, sixth, and seventh articles of the Treaty of Peace, concluded with His Britannic Majesty on the

twenty-fourth day of December, one thousand eight hundred and fourteen, including the compensation of the commissioners, agents, and surveyors, and to make good a deficiency in the preceding year, seventy-four thousand eight hundred and thirty-six dollars.

For the salaries of the agents for claims on account of spoiliations, and for seamen, at London and Paris, four thousand dollars.

For nine months' salary of the agent at Copenhagen, one thousand five hundred dollars.

For the relief of distressed American seamen for the present year, and to make good a deficiency in the preceding year, one hundred and thirty thousand dollars.

To provide for the payment of the sums directed to be paid by an act of the twenty-ninth April, eighteen hundred and sixteen, entitled "An act for settling the compensation of the commissioner, clerk, and translator, of the board for land claims in the eastern and western district of the Territory of Orleans, now State of Louisiana," six thousand four hundred and eighty-one dollars.

For the discharge of such claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, six thousand dollars.

For the purchase or erection of custom houses and public warehouses, two hundred thousand dollars.

For discharging the judgment obtained by Gould Hoyt against David Gelston and Peter Schenk, in an action of trespass, for seizing the ship American Eagle under instructions from the Treasury Department, a sum not exceeding one hundred and thirty thousand dollars.

To indemnify the owners of the British ship Venus, taken by the Peacock after the conclusion of the peace with Great Britain, a sum not exceeding seven thousand six hundred and seventy-eight dollars.

Approved, April 9, 1818.

An Act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, and for designating the western boundary line of the Virginia Military tract.

Be it enacted, &c., That the officers and soldiers of the Virginia line on continental establishment, their heirs, and assigns, entitled to bounty lands, within the Virginia military tract, between the Little Miami and the Sciota rivers, shall be allowed a further term of two years, from the ratification of any treaty extinguishing the Indian title to lands within the said boundaries not heretofore extinguished, to obtain warrants and complete their locations; and a further term of three years, from the ratification of any treaty extinguishing the Indian title to lands within the said boundaries not heretofore extinguished, as aforesaid, to return their surveys and warrants, or certified copies of warrants, to the General Land Office; anything in any former act to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That the

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provisions of the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants," passed on the third day of March, one thousand eight hundred and seven, shall be revived and in force, with all its restrictions, except that the respective times allowed for making locations and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act for the location and return of surveys on other warrants, and that the surveys shall be returned to the General Land Office: *Provided*, That no locations, as aforesaid, in virtue of this or the preceding section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent which may, nevertheless, be obtained for land located contrary to the provisions of this act, shall be considered null and void: *Provided, also*, That no locations or surveys shall be made within that part of the said military tract to which the Indian title remained heretofore unextinguished, until after six months shall have elapsed since the date of a proclamation of the President of the United States, declaring a treaty or treaties to have been concluded and ratified, providing for the extinguishment of the Indian title to such lands; nor shall any patent be granted for any location, survey, or entry, that has been, or shall be, made prior to the expiration of six months from and after the ratification of such treaty.

Sec. 3. And be it further enacted, That from the source of the Little Miami river to the Indian boundary line established by the Treaty of Greenville, in one thousand seven hundred and ninety-five, the line designated as the westerly boundary line of the Virginia tract, by an act of Congress, passed on the twenty-third day of March, one thousand eight hundred and four, entitled "An act to ascertain the boundary of the lands reserved by the State of Virginia northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands," shall be considered and held to be such until otherwise directed by law: And from the aforesaid Indian boundary line to the source of the Sciota river, the line run by Charles Roberts, in one thousand eight hundred and twelve, in pursuance of instructions from the commissioners appointed on the part of the United States, to establish the western boundary of the said military tract, shall be considered and held to be the westerly boundary thereof; and that no patent shall be granted on any location and survey that has or may be made west of the aforesaid respective lines.

Approved, April 11, 1818.

An Act to provide for paying to the State of Indiana three per cent. of the net proceeds arising from the sales of the United States' lands within the same.

Be it enacted, &c., That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of public moneys of the

several land offices shall be settled, pay three per cent. of the net proceeds of the lands of the United States, lying within the State of Indiana, which, since the first day of December, one thousand eight hundred and sixteen, have been, or hereafter may be sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the Legislature of the said State to receive the same; which sums, thus paid, shall be applied to making public roads and canals within the said State, in conformity to the provision on this subject, contained in the act, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States," and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury, by such officer of the State as the Legislature thereof shall direct; and in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sum that may then be due, or which may thereafter become due, until a return shall be made, as herein required.

Approved, April 11, 1818.

An Act to change the name of the District of Erie, in the State of Ohio.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and eighteen, the district of Erie, in the State of Ohio, shall be called the district of Cuyahoga.

Approved, April 11, 1818.

An Act for the relief of John Rodgers.

Be it enacted, &c., That the proper accounting officers of the Treasury settle the account of John Rodgers, for expenses actually incurred in the defence of a suit brought against him by John Donnell, of Baltimore, owner of the schooner Eleanor, and finally reversed in the superior court of the United States, and pay him the sum of sixteen hundred and ninety-five dollars seventy-nine cents.

SEC. 2. And be it further enacted, That the sum of sixteen hundred and ninety-five dollars seventy-nine cents be appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of said Rodgers.

Approved, April 11, 1818.

An Act to authorize the payment of certain certificates.

Be it enacted, &c., That so much of an act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt," passed the third day of March, one thousand seven hundred and ninety-five; and so much of the act, entitled "An act respecting loan office and final settlement certificates, indents of interest, and the unfunded and registered debt, credited on the books of the Treasury," passed

the twelfth day of June, one thousand seven hundred and ninety-eight, as bars from settlement or allowance certificates commonly called loan office and final settlement certificates, and indents of interest, be, and the same is hereby, suspended for the term of two years, from and after the passing of this act; notification of which temporary suspension of the act of limitation shall be published by the Secretary of the Treasury, for the information of the holders of the said certificates, in one or more of the public papers in each of the United States.

SEC. 2. *And be it further enacted*, That all certificates, commonly called loan office certificates, countersigned by the loan officers of the States respectively, final settlement certificates, and indents of interest, which, at the time of passing this act, shall be outstanding, may be presented at the Treasury, and, upon the same being liquidated and adjusted, shall be paid to the respective holders of the same, with interest, at six per cent. from the date of the last payment of interest, as endorsed on said certificates.

SEC. 3. *And be it further enacted*, That, for carrying this act into effect, the sum of eighty thousand dollars be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated.

Approved, April 13, 1818.

An Act to incorporate the Mechanic Relief Society of Alexandria.

Be it enacted, &c., That the society known by the name of the Mechanic Relief Society of Alexandria, be, and the same is hereby, created a body politic and corporate, under the name and style of the "Mechanic Relief Society of Alexandria," and by that name shall have perpetual succession and a common seal, with a capacity to purchase, receive, and possess goods and chattels, lands and tenements, in fee or otherwise, and the same to grant, sell, let, or assign: *Provided, however*, They shall not purchase, receive, or possess more lands and tenements than shall be sufficient to enable them to erect a seminary of learning for the instruction of youth, and the necessary accommodation and convenience of the said society; and by the name aforesaid may sue and be sued, plead and be impleaded, in all causes in law or equity.

SEC. 2. *And be it further enacted*, That so much of the affairs of said society as relates to the erection and superintendence of the said seminary of learning, shall be and remain under the direction of the following named trustees and their successors, to wit: John Longden, Dederick Shekell, William F. Thornton, Lewis Hopkins, James Galt, Charles Pascoe, James S. Scott, John Cohagen, Bernard Cook, Alexander Baggett, James Carson, Adam Lynn, Greenberry Griffith, Horace Field, and Amos Alexander; the said trustees shall have power to fill any vacancies which may occur in their own body: *Provided*, That the trustees named and created by this act shall continue and serve until the first

day of May, one thousand eight hundred and eighteen, or until others shall be appointed; and on that day, or as soon thereafter as convenient, not exceeding thirty days, and annually, the like number of trustees, they being members thereof, shall be elected by said society.

SEC. 3. *And be it further enacted*, That this act shall commence and be in force from and after the passing thereof, and for the term of twenty years thereafter.

SEC. 4. *And be it further enacted*, That the amount of real and personal property which may, at any time, be held by this society, shall not exceed the sum of forty thousand dollars; nor shall the said society be engaged in any banking or commercial operations; and Congress shall at all times have power, during the period for which this charter is granted, at their pleasure, to repeal or alter the same.

Approved, April 13, 1818.

An Act to repeal part of the act, entitled "An act to provide for surveying the coasts of the United States."

Be it enacted, &c., That so much of the third section of the act, passed the tenth day of February, one thousand eight hundred and seven, entitled "An act to provide for surveying the coasts of the United States," as authorizes the employment of other persons in the execution of said act, than the persons belonging to the Army and Navy, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That all instruments and property of the United States, and all surveys, draughts, notes, charts, maps, and documents, in anywise belonging to the survey of the coasts, be deposited in such place as the President of the United States shall direct.

Approved, April 14, 1818.

An Act in addition to an act, entitled "An act for the relief of John Thompson."

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and required to review the settlement of the account of John Thompson made under the authority of the act to which this is in addition, approved the eleventh day of May, one thousand eight hundred and twelve, and to allow the said John Thompson interest, at six per centum per annum, from the fourth of March, seventeen hundred and eighty-seven, to the twentieth of May, eighteen hundred and twelve, on the sum which was found due to him, and paid under the act aforesaid; and that the amount of interest, which shall be so found to be due him, be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 14, 1818.

An Act making further appropriations for the construction of the Cumberland Road.

Be it enacted, &c., That the sum of fifty-two thousand nine hundred and eighty-four dollars and sixty cents be appropriated for the claims

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due and remaining unpaid at the Treasury, on account of the Cumberland road, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. And be it further enacted, That, to meet the demands which will be made under existing contracts, on account of the Cumberland road, the sum of two hundred and sixty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 14, 1818.

An Act regulating the Staff of the Army.

Be it enacted, &c., That so much of the act "fixing the Military Peace Establishment of the United States," passed the third of March, one thousand eight hundred and fifteen, as relates to hospital stewards and wardmasters, and so much of the "Act for organizing the general staff, and making further provision for the Army of the United States," passed April twenty-fourth, one thousand eight hundred and sixteen, as relates to hospital surgeons, hospital surgeons' mates, judge advocates, chaplains, and forage, wagon, and barrack masters, and their assistants, be, and the same is hereby, repealed.

SEC. 2. And be it further enacted, That there shall be one surgeon general, with a salary of two thousand five hundred dollars per annum, one assistant surgeon general, with the emoluments of a hospital surgeon, one judge advocate, with the pay and emoluments of a topographical engineer, to each division, and one chaplain, stationed at the military academy at West Point, who shall also be professor of geography, history, and ethics, with the pay and emoluments allowed the professor of mathematics; and that the number of post surgeons be increased, not to exceed eight to each division.

SEC. 3. And be it further enacted, That so much of the act of the twenty-fourth of April, one thousand eight hundred and sixteen, aforesaid, as relates to the quartermaster general of division, shall be repealed; and the quartermaster's department shall consist, in addition to the two deputy quartermasters general, and the four assistant deputy quartermasters general, now authorized, of one quartermaster general, with the rank, pay, and emoluments, of a brigadier general, and as many assistant quartermasters general as the President shall deem proper, not exceeding, in the whole number, twelve.

SEC. 4. And be it further enacted, That, to each commissioned officer who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law, at the time of their discharge, three months' pay and emoluments; and that the provisions of this act be carried into effect on or before the first day of June next.

SEC. 5. And be it further enacted, That the pay and emoluments of the inspector generals of divisions be, and is hereby, raised to be equal to

the pay and emoluments of the adjutant generals of division.

SEC. 6. And be it further enacted, That as soon as the existing state of contracts for the subsistence of the army shall, in the opinion of the President of the United States permit it, there shall be appointed by the President, by and with the advice and consent of the Senate, one commissary general, with the rank, pay, and emoluments, of colonel of ordnance, who shall, before entering on the duties of his office, give bond and security, in such sum as the President may direct; and as many assistants, to be taken from the subalterns of the line, as the service may require, who shall receive twenty dollars per month in addition to their pay in the line, and who shall, before entering on the duties of their office, give bond and security, in such sums as the President may direct. The commissary general and his assistants shall perform such duties, in purchasing and issuing of rations to the army of the United States as the President may direct.

SEC. 7. And be it further enacted, That supplies for the army, unless in particular and urgent cases the Secretary of War should otherwise direct, shall be purchased by contract, to be made by the commissary general on public notice, to be delivered, on inspection, in the bulk, and at such places as shall be stipulated; which contract shall be made under such regulations as the Secretary of War may direct.

SEC. 8. And be it further enacted, That the President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the army and economy may require.

SEC. 9. And be it further enacted, That the commissary general and his assistants shall not be concerned, directly or indirectly, in the purchase or sale, in trade or commerce, of any article entering into the composition of the ration allowed to the troops in the service of the United States, except on account of the United States, nor shall such officer take and apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than what is or may be allowed by law; and the commissary general and his assistants shall be subject to martial law.

SEC. 10. And be it further enacted, That all letters to and from the commissary general, which may relate to his office duties, shall be free from postage: *Provided*, That the sixth, seventh, eighth, ninth, and tenth, sections of this act shall continue and be in force for the term of five years from the passing of the same, and thence until the end of the next session of Congress, and no longer.

Approved, April 14, 1818.

An Act regulating the pay and emoluments of brevet officers.

Be it enacted, &c., That the officers of the army, who have brevet commissions, shall be entitled to receive the pay and emoluments of their

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brevet rank when on duty, and having a command according to their brevet rank, and at no other time.

SEC. 2. *And be it further enacted*, That no brevet commission shall hereafter be conferred but by and with the advice and consent of the Senate.

Approved, April 16, 1818.

An Act in addition to "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

Be it enacted, &c., That in every case where a person has been put on the pension list, or granted a certificate of pension, by virtue of the first section of an act, passed the fourth day of March, in the year eighteen hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," the Secretary of the Navy be, and he is hereby, authorized, at the expiration of the term of five years, for which any pension certificate shall have been granted as aforesaid, to allow the full monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, and that such pension shall continue to such person for the further term of five years: *Provided*, That such pension shall cease on the death of such widow, child, or children.

SEC. 2. *And be it further enacted*, That if any officer, seaman, or marine, shall have died since the eighteenth day of June, in the year eighteen hundred and twelve, in consequence of an accident or casualty which occurred while in the line of his duty on board a private armed vessel, leaving a widow, or, if no widow, a child or children under sixteen years of age, the Secretary of the Navy be, and he is hereby, authorized to place such widow, child, or children, on the pension list, and allow to such widow, child, or children, the same monthly pension as if the deceased had died by reason of wounds received in the line of his duty: *Provided*, That all moneys paid by virtue of this act shall be paid out of the privateer pension fund, and no other.

Approved, April 16, 1818.

An Act directing the manner of appointing Indian agents, and continuing the "Act for establishing trading-houses with the Indian tribes."

Be it enacted, &c., That the superintendent of Indian trade, the agents and assistant agents of Indian trading-houses, and the several agents of Indian affairs, shall be nominated by the President of the United States, and appointed by and with the advice and consent of the Senate.

SEC. 2. *And be it further enacted*, That, from and after the eighteenth instant, no person shall act in either of the characters aforesaid, who shall not have been thus first nominated and appointed. And every agent as aforesaid, before he shall enter upon the duties of his office, shall give bond to the United States, with two or more sufficient

securities, in the penal sum of ten thousand dollars, conditioned faithfully to perform all the duties which are or may be enjoined on them as agents as aforesaid.

SEC. 3. *And be it further enacted*, That the act, entitled "An act for establishing trading-houses with the Indian tribes," passed on the second day of March, one thousand eight hundred and eleven, and which was continued in force for a limited time by an act passed third day of March, one thousand eight hundred and seventeen, shall be, and the same is hereby, further continued in force until the first day of March, one thousand eight hundred and nineteen, and no longer.

Approved, April 16, 1818.

An Act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

Be it enacted, &c., That the inhabitants of the Territory of Illinois be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States, in all respects whatever.

SEC. 2. *And be it further enacted*, That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning at the mouth of the Wabash river; thence, up the middle of the same, and with the line of Indiana, to the northwest corner of said State; thence, east, with the line of the same State, to the middle of Lake Michigan; thence, north, along the middle of said lake, to north latitude forty-two degrees thirty minutes; thence, west, to the middle of the Mississippi river; and thence, down along the middle of that river, to its confluence with the Ohio river; and thence, up the latter river, along its northwestern shore, to the beginning: *Provided*, That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory northwest of the river Ohio: *Provided also*, That the said State shall have concurrent jurisdiction with the State of Indiana on the Wabash river, so far as said river shall form a common boundary to both, and also concurrent jurisdiction on the Mississippi river, with any State or States to be formed west thereof, so far as said river shall form a common boundary to both.

SEC. 3. *And be it further enacted*, That all white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said Territory six months previous to the day of election, and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the said Territory, be and they are hereby authorized to choose representatives to form a convention, who

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shall be apportioned amongst the several counties as follows:

From the county of Bond, two representatives;
From the county of Madison, three representatives;

From the county of St. Clair, three representatives;

From the county of Monroe, two representatives;

From the county of Randolph, two representatives;

From the county of Jackson, two representatives;

From the county of Johnson, two representatives;

From the county of Pope, two representatives;

From the county of Gallatin, three representatives;

From the county of White, two representatives;
From the county of Edwards, two representatives;

From the county of Crawford, two representatives;

From the county of Union, two representatives;

From the county of Washington, two representatives; and

From the county of Franklin, two representatives.

And the election for the representatives aforesaid shall be holden on the first Monday of July next, and the two following days, throughout the several counties in the said Territory, and shall be conducted in the same manner, and under the same regulations, as prescribed by the laws of the said Territory regulating elections therein, for members of the House of Representatives.

SEC. 4. *And be it further enacted,* That the members of the convention, thus duly elected, be and they are hereby authorized to meet at the seat of government of the said Territory, on the first Monday of the month of August next; which convention, when met, shall first determine, by a majority of the whole number elected, whether it be or be not expedient at that time to form a constitution and State government for the people within the said Territory; and if it be expedient, the convention shall be and hereby is authorized to form a constitution and State government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall then form for the people of said Territory a constitution and State government: *Provided,* That the same, whenever formed, shall be republican, and not repugnant to the ordinance of the thirteenth of July, seventeen hundred and eighty-seven, between the original States and the people and States of the territory northwest of the river Ohio; excepting so much of said articles as relate to the boundaries of the States therein to be formed: *And provided also,* That it shall appear, from the enumeration directed to be made

by the Legislature of the said Territory, that there are within the proposed State not less than forty thousand inhabitants.

SEC. 5. *And be it further enacted,* That until the next general census shall be taken, the said State shall be entitled to one Representative in the House of Representatives of the United States.

SEC. 6. *And be it further enacted,* That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Illinois, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States and the said State:

First. That section numbered sixteen, in every township, and, when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township, for the use of schools.

Second. That all salt springs within such State, and the land reserved for the use of the same, shall be granted to the said State, for the use of the said State, and the same to be used under such terms, and conditions, and regulations, as the Legislature of the said State shall direct: *Provided,* The Legislature shall never sell nor lease the same for a longer period than ten years, at any one time.

Third. That five per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State; the residue to be appropriated, by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Fourth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of the said State, to be appropriated solely to the use of such seminary by the said Legislature: *Provided always,* That the four foregoing propositions, herein offered, are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January, one thousand eight hundred and nineteen, shall be exempt from any tax laid by order, or under any authority of, the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further,* That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years from and after the

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date of the patents respectively; and that all the lands belonging to citizens of the United States residing without the said State, shall never be taxed higher than lands belonging to persons residing therein.

SEC. 7. And be it further enacted, That all that part of the territory of the United States lying north of the State of Indiana, and which was included in the former Indiana Territory, together with that part of the Illinois Territory which is situated north of and not included within the boundaries prescribed by this act, to the State thereby authorized to be formed, shall be, and hereby is, attached to, and made a part of, the Michigan Territory, from and after the formation of the said State, subject, nevertheless, to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects, with the other citizens of the Michigan Territory.

Approved, April 18, 1818.

An Act to abolish the port of delivery established at the mouth of Slade's Creek, in the State of North Carolina.

Be it enacted, &c., That, from and after the thirtieth day of April, one thousand eight hundred and eighteen, the port of delivery established at the mouth of Slade's Creek, within the district of Washington, and State of North Carolina, shall cease, and the office, authority, and emoluments, of the surveyor of said port shall also, from thenceforth, terminate and be discontinued.—Approved, April 18, 1818.

An Act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian.

Be it enacted, &c., That the Secretary of the Senate and Clerk of the House of Representatives shall severally receive the sum of three thousand dollars annually, payable quarterly, as heretofore; and that their principal clerks shall receive one thousand eight hundred dollars each, and their engrossing clerks one thousand five hundred dollars each.

SEC. 2. And be it further enacted, That the Librarian of the Library of Congress shall annually receive, as a compensation for his services, the sum of one thousand five hundred dollars, payable quarter yearly at the Treasury.

SEC. 3. And be it further enacted, That this act shall be held to take effect from the first day of January, one thousand eight hundred and eighteen, and shall continue in force for three years therefrom, and no longer; and that so much of any act heretofore passed, as provides compensation, salary, or perquisites, of any kind, for the officers and clerks herein mentioned, shall be held to be repealed from the same day.

Approved, April 18, 1818.

An Act concerning Navigation.

Be it enacted, &c., That, from and after the thirtieth of September next, the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving from any port or place in a colony or territory of His Britannic Majesty that is or shall be, by the ordinary laws of navigation and trade, closed against vessels owned by citizens of the United States; and such vessel, that, in the course of the voyage, shall have touched at, or cleared out from, any port or place in a colony or territory of Great Britain, which shall or may be, by the ordinary laws of navigation and trade aforesaid, open to vessels owned by citizens of the United States, shall, nevertheless, be deemed to have come from the port or place in the colony or territory of Great Britain, closed as aforesaid against vessels owned by citizens of the United States, from which such vessel cleared out and sailed before touching at, and clearing out from, an intermediate and open port or place as aforesaid; and every such vessel, so excluded from the ports of the United States, that shall enter, or attempt to enter, the same, in violation of this act, shall, with her tackle, apparel, and furniture, together with the cargo on board such vessel, be forfeited to the United States.

SEC. 2. And be it further enacted, That, from and after the aforesaid thirtieth of September next, the owner, consignee, or agent, of every vessel, owned wholly or in part by a subject or subjects of His Britannic Majesty, which shall have been duly entered in any port of the United States, and on board of which shall have been there laden for exportation any article or articles, of the growth, produce, or manufacture, of the United States, other than provisions and sea stores necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond, in a sum double the value of such articles, with one or more sureties, to the satisfaction of the collector, that the article or articles so laden on board such vessel for exportation, shall be landed in some port or place other than a port or place in a colony or territory of His Britannic Majesty, which, by the ordinary laws of navigation and trade, is closed against vessels owned by citizens of the United States; and any such vessel that shall sail, or attempt to sail, from any port of the United States, without having complied with the provision aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to the United States: *Provided always,* That nothing in this act contained shall be so deemed or construed, so as to violate any provision of the convention to regulate commerce between the territories of the United States and of His Britannic Majesty, signed the third day of July, one thousand eight hundred and fifteen.

SEC. 3. And be it further enacted, That the form of the bond aforesaid shall, be prescribed by

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the Secretary of the Department of the Treasury; and the same shall and may be discharged, and not otherwise, by producing, within one year after the date thereof, a like certificate to that required by and under the regulations contained in the eighty-first section of the act "to regulate the collection of duties on imports," passed the second day of March, seventeen hundred and ninety-nine, that the articles of the growth, produce, and manufacture, of the United States, laden as aforesaid, were unladen and landed conformably to the provisions of this act, or in cases of loss by sea, by capture, or other unavoidable accident, by the production of such other proofs as the nature of the case will admit, according to the provisions of the said eighty-first section of the act aforesaid.

SEC. 4. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, and may be mitigated or remitted, in the manner and according to the provisions of the revenue laws of the United States.

Approved, April 18, 1818.

An Act fixing the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the third Monday in November next.

Approved, April 18, 1818.

An Act to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payment thereon.

Be it enacted, &c., That the operation of the sixth condition of the fifth section of the act, entitled "An act to amend the act, entitled 'An act providing for the sale of the lands of the United States Northwest of the Ohio and above the mouth of Kentucky river,'" be, and the same is hereby, suspended until the thirty-first day of March next, in favor of the purchasers of public lands at any of the land offices of the United States: *Provided*, That the benefit of this act shall not be extended to any one purchaser for a greater quantity than six hundred and forty acres of land.

Approved, April 18, 1818.

An Act to establish a port of entry and delivery at Cape Vincent, at the fork of Lake Ontario, and the head of the river St. Lawrence.

Be it enacted, &c., That it shall be lawful for the President of the United States to establish, when it shall appear to him to be proper, in addition to the ports of entry and delivery already established on Lake Ontario, one other port of entry and delivery at the village of Cape Vincent, at the fork of Lake Ontario, and the head of the river St. Lawrence, and to appoint a collector of the customs to reside and keep an office thereat.—Approved, April 18, 1818.

An Act supplementary to an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine.

Be it enacted, &c., That, from and after the passing of this act, no goods, wares, or merchandise, imported into the United States, and subject to an ad valorem duty, shall be admitted to entry with the collector of the district into which the same are brought, unless the owner, consignee, or other importer, of such goods, wares, or merchandise, shall produce to such collector the original invoice thereof; but the same shall be deposited, and remain, in the public warehouse, at the expense and risk of the owner of such goods, wares, or merchandise, until such invoice be produced: *Provided, however*, That in all cases where such goods, wares, or merchandise, shall have been imported from a port or place on this side the Cape of Good Hope, if such invoice or invoices be not produced in six months, and from the Cape of Good Hope, or any port or place beyond the same, within nine months, from the time of such importation, then the said goods, wares, or merchandise, shall be appraised, and the duties estimated thereon, in the manner hereinafter directed: *And provided always*, That this prohibition shall not extend to such goods, wares, or merchandise, as shall have been taken from a wreck.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized and empowered, if, in his judgment, the circumstances under which such goods, wares, or merchandise, shall have been imported, or any other circumstances connected therewith, render it expedient, to direct the collector in whose district such goods, wares, or merchandise, may be, to admit the same to entry, on an appraisement duty made thereof in the manner hereinafter prescribed: *Provided*, The owner, agent, consignee, or importer of such goods, wares, or merchandise, shall first give bond, with sufficient sureties to the United States, to produce to such collector the invoice of such goods, wares or merchandise, within eight months, if the same were imported from any port or place on this side the Cape of Good Hope, and within fifteen months, if from the Cape of Good Hope, or port or place beyond the same, and to pay any amount of duty to which it shall appear, by such invoice, the said goods, wares, or merchandise, were subject, over and above the amount of duties estimated on the said appraisement.

SEC. 3. *And be it further enacted*, That, when an entry shall be made with any collector, of any goods, wares, or merchandise, imported into the United States, and subject to an ad valorem duty, the person making such entry shall, if he be owner of such goods, wares, or merchandise, declare the same on oath, and if he be not the owner, shall declare on oath the name and residence of the owner of such goods, wares, or merchandise.

SEC. 4. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares, and

merchandise, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any island, port, or place, beyond the same, and ten per cent. on the actual cost thereof, if imported from any other place or country, including all charges, except commissions, outside packages, and insurance.

SEC. 5. *And be it further enacted,* That, in addition to the oath now required by law to be taken by any owner, consignee, agent, or importer, on the entry of any goods, wares, or merchandise, imported into the United States, such owner, consignee, agent, or importer, shall, on the entry of any goods, wares, or merchandise, so imported, and subject to ad valorem duty, declare, on oath, that the invoice produced by him exhibits the true value of such goods, wares, or merchandise, in their actual state of manufacture, at the place from which the same were imported.

SEC. 6. *And be it further enacted,* That, when goods, wares, or merchandise, imported into the United States, subject to an ad valorem duty, shall be consigned to any person, to be entered by him, and to be delivered to order, or to any other person, such goods, wares, or merchandise, shall be deposited and remain in the public warehouse, at the expense and risk of the owner, until the person authorized to receive them shall appear and make the additional oath required by the fifth section of this act, or (if such person shall not reside at the place of such importation) until the invoice of such goods, wares, and merchandise, accompanied by a notarial act of having taken the said oath, shall be produced to the collector in whose district such goods, wares, or merchandise, may be: *Provided,* That, if the provisions of this section shall not be complied with in four months from the time of the importation of such goods, wares, or merchandise, the same shall be subject to the appraisement required by this act.

SEC. 7. *And be it further enacted,* That when goods, wares, or merchandise, imported, and subject to duty as aforesaid, shall be reshipped and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, verified by the additional oath required by the fifth section of this act, and certified under the official seal of the collector with whom the entry on the importation of such goods, wares, or merchandise, was made, shall be produced at the port to which the same shall be transported, and the same inspection of such goods, wares, or merchandise, shall be made, as if they had been brought direct from a foreign port or place; and if the invoice, verified as aforesaid, shall not be so produced, such goods, wares, or merchandise, shall be deposited and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required shall be produced; and goods, wares, or merchandise, imported, and subject to duty as aforesaid, may be transported

coastwise, to one or more districts within the United States.

SEC. 8. *And be it further enacted,* That any goods, wares, or merchandise, imported and subject to duty as aforesaid, and belonging to a person or persons residing, and, at the time of such importation, being out of the United States, shall not be admitted to entry, after six months from the passage of this act, if imported from a port or place on this side the Cape of Good Hope, or, after fifteen months from the passage thereof, if imported from the Cape of Good Hope or any port beyond the same, unless the invoice of such goods, wares, or merchandise, shall be verified in the manner required by the fifth section of this act, before the Consul of the United States at the port at which the said goods, wares, or merchandise, were shipped, or before a Consul of the United States in the country in which the said port may be; and such owner or owners shall further declare on oath, whether he or they are the manufacturers, in whole or in part, of such goods, wares, or merchandise, or are concerned, directly or indirectly, in the profits of any art or trade by which they have been brought to their present state of manufacture; and, if so, he or they shall further swear, that the prices charged in the aforesaid invoice are the current value of the same at the place of manufacture, and such as he or they would have received if the same had been there sold in the usual course of trade: *Provided,* That, if there be no Consul of the United States in the country from whence the shipment of such goods, wares, or merchandise, is made, the oath hereby required shall be made before a notary public, or other officer duly authorized to administer oaths, whose official character shall be certified by a consul of a nation at the time in amity with the United States, if there be one in such country.

SEC. 9. *And be it further enacted,* That, for the appraisement of goods, wares, or merchandise, required by this act, or by any other act concerning imports and tonnage, the President of the United States, by and with the advice and consent of the Senate, shall appoint, in each of the ports of Boston, New York, Philadelphia, Baltimore, Charleston, and New Orleans, two persons well qualified to perform that duty, on the part of the United States, who, before they enter thereon, shall severally make oath diligently and faithfully to inspect and examine such goods, wares, or merchandise, as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof when purchased, at the place or places from whence the same were imported; and, when any appraisement is to be made in the said principal ports, the two appraisers so appointed therein, together with a respectable resident merchant, chosen by the party in interest, and sworn in like manner, to examine and report, shall make such appraisement, the said merchant having also made oath that he has no direct or indirect interest in the case; but when any appraisement is to be made in ports other than those abovenamed, two respectable resident

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merchants, selected by the collector, together with a respectable resident merchant, chosen by the party in interest, who shall have severally taken the oaths required by this section, shall be the appraisers: *Provided*, That in any case where the party in interest shall decline or neglect to choose a respectable resident merchant to join in such appraisement, the collector shall make the selection necessary to the due execution of this act, and the appraisement so made by them, or a majority of them, shall be valid and effectual in law; and the Secretary of the Treasury shall have authority to direct the appraisers for any collection district to attend in any other district for the purpose of appraising any goods, wares, or merchandise, imported therein; and for such service they shall, respectively, receive at the rate of five dollars a day whilst engaged therein, and at the rate of five dollars for every twenty-five miles in going to, and returning from, such district; which shall form no part of the salary provided for by this act. And the President of the United States is hereby authorized, in the recess of the Senate, to appoint the appraisers of the said ports, which appointments shall continue in force until the end of the next session of Congress.

SEC. 10. *And be it further enacted*, That any merchant who shall be chosen by the collector, or by the party in interest, to make any appraisement required under this act, or under any other act respecting imports and tonnage, and who shall, after due notice of such choice has been given, decline or neglect to assist at such appraisement, shall be subject to a fine of not more than fifty dollars, and to the costs of prosecution in any court of the United States having cognizance of the same.

SEC. 11. *And be it further enacted*, That whenever, in the opinion of the collector, there shall be just grounds to suspect that goods, wares, or merchandise, subject to an ad valorem duty, and imported into his district, have been invoiced below the true value of such goods, wares, or merchandise, in their actual state of manufacture, at the place from which they were imported, such collector shall direct the same to be appraised in the manner prescribed by the ninth section of this act; and if the value at which the same shall be appraised shall exceed, by twenty-five per centum, the invoice prices thereof, then, in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices according to law, there shall be added fifty per cent. on the appraised value; on which aggregate amount the duties on such goods, wares, or merchandise, shall be estimated.

SEC. 12. *And be it further enacted*, That in all cases where the appraised value of any goods, wares, or merchandise, appraised under this, or any other act concerning imports and tonnage, shall exceed, by less than twenty-five per centum, the invoice value thereof, such appraised value shall be considered the true value of such goods, wares, or merchandise, upon which the duty is to be estimated, with the addition of such per centum as is by law required: but in all cases

where the appraised value, shall be less than the invoice value, the duty shall be charged on the invoice value in the same manner as if no appraisement had been made.

SEC. 13. *And be it further enacted*, That any goods, wares, or merchandise, subject to an ad valorem duty, and belonging to a person or persons, residing, and, at the time of the importation thereof, being, out of the United States, and which shall be imported in the United States, but, for want of the verification required by the eighth section of this act, not admitted to entry, shall be subject to the same appraisement, and to the same addition to the appraised value, as are prescribed by the eleventh section of this act, in the case of fraudulent invoices.

SEC. 14. *And be it further enacted*, That one-half of the duty accruing on the additional fifty per centum, which may be imposed on any goods, wares, or merchandise, in virtue of the eleventh section of this act, shall be divided among the custom-house officers of the port in which such goods, wares, or merchandise, may be, in the manner prescribed by the act, entitled "An act to regulate the duties on imports and tonnage," passed on the second of March, one thousand seven hundred and ninety-nine.

SEC. 15. *And be it further enacted*, That, before any goods, wares, or merchandise, which may be taken from any wreck, shall be admitted to entry, the same shall be appraised in the manner prescribed by the ninth section of this act; and the same proceedings shall also be had, where a reduction of duties shall be claimed, on account of damage which any goods, wares, or merchandise, imported into the United States, shall have sustained in the course of the voyage.

SEC. 16. *And be it further enacted*, That the expenses of appraisements made under this act shall, in all cases, be borne by the owner or owners of the goods, wares, or merchandise, appraised, except when the appraisement ordered under the eleventh section shall not exceed the invoice value of such goods, wares, or merchandise, and where it shall be made on goods damaged by the voyage; and except, also, when the goods, wares, or merchandise, appraised, shall have been taken from a wreck.

SEC. 17. *And be it further enacted*, That each of the appraisers who may be appointed under the ninth section of this act, in the several ports therein named, excepting New York, shall receive, as a compensation for his services, one thousand five hundred dollars per annum, and the appraisers for the port of New York shall receive each two thousand dollars per annum; and the merchants who may act as appraisers under this act shall receive for their services, while employed on that duty, a compensation of five dollars per diem; and the said sum of five dollars per diem for each of the appraisers, (whether official appraisers or selected merchants,) shall be paid to the collector, by the owner or agent of the goods, wares, or merchandise, appraised by them, respectively, in all cases where such owner or agent may be liable to the expense of appraise-

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ment, before the delivery of such goods, wares, or merchandise, by the collector. The sums so received shall be forthwith paid by such collector to the appraisers, and the amount so paid to the official appraisers shall be in part satisfaction of their salary.

SEC. 18. *And be it further enacted*, That, for every verification made under this act, before a Consul of the United States, such Consul shall be entitled to demand and receive, from the person making the same, a fee of two dollars.

SEC. 19. *And be it further enacted*, That when any goods, wares, or merchandise, shall be admitted to entry upon invoice, the collector of the port in which the same are entered shall certify such invoice under his official seal; and no other evidence of the value of such goods, wares, or merchandise, shall be admitted on the part of the owner or owners thereof, in any court of the United States, except in corroboration of such invoice.

SEC. 20. *And be it further enacted*, That any person or persons who shall counterfeit any certificate or attestation made in pursuance of this act, or use such certificate or attestation, knowing the same to be counterfeit, shall, upon conviction thereof before any court of the United States having cognizance of the same, be adjudged guilty of felony, and be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term not exceeding three years.

SEC. 21. *And be it further enacted*, That no discount shall be allowed on any goods, wares, or merchandise, subject to ad valorem duty, admitted to entry, unless the importer shall expressly state, on oath or affirmation, that such discount has been actually and bona fide allowed to the owner or owners of such goods, wares, or merchandise, in the payment made for the same.

SEC. 22. *And be it further enacted*, That the collectors of the customs shall be required to cause at least one package out of every invoice, and one package at least out of every fifty packages, of every invoice of goods, wares, or merchandise, imported into their respective districts, to be opened and examined, and if the same be found not to correspond with the invoice thereof, or to be falsely charged in such invoice, a full inspection of all such goods, wares, or merchandise, as may be included in the same entry, shall be made; and if any package is found to contain any article not described in the invoice, the whole package shall be forfeited, and in case such goods, wares, or merchandise, shall be subject to an ad valorem duty, the same proceedings shall be had, and the same penalties shall be incurred, as are provided in the eleventh section of this act: *Provided*, That nothing herein contained shall save from forfeiture any package having in it any article not described in the invoice.

SEC. 23. *And be it further enacted*, That any bond to the United States, entered into for the payment of duties by a merchant belonging to a firm, in the name of such firm, shall equally bind the partner or partners in trade, of the person or

persons by whom such bond shall have been executed.

SEC. 24. *And be it further enacted*, That in all cases of entry of merchandise for the benefit of drawback, the time of twenty days shall be allowed from the date of the clearance of the ship or vessel in which the same shall be laden, for giving the exportation bonds for the same: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of exportation for the benefit of drawback.

SEC. 25. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted, in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven.

SEC. 26. *And be it further enacted*, That this act shall continue in force for the term of two years from and after the passing thereof.

Approved, April 20, 1818.

An Act to provide for the publication of the laws of the United States, and for other purposes.

Be it enacted, &c., That, at and during the session of each Congress of the United States, the Secretary for the Department of State shall cause the acts and resolutions passed by Congress at such session to be published, currently as they are enacted, and as soon as practicable, in not more than one newspaper in the District of Columbia, and in not more than three newspapers in each of the several States, and in not more than three newspapers in each of the Territories of the United States. And he shall also cause to be published, in the like manner, in the said newspapers, or in such of them as he shall for that purpose designate, the public treaties entered into and ratified by the United States.

SEC. 2. *And be it further enacted*, That, whenever official notice shall have been received, at the Department of State, that any amendment which heretofore has been, or hereafter may be, proposed to the Constitution of the United States, has been adopted, according to the provisions of the Constitution, it shall be the duty of the said Secretary of State forthwith to cause the said amendment to be published in the said newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

SEC. 3. *And be it further enacted*, That the proprietor of every newspaper in which the laws, resolutions, treaties, or amendments, shall be so

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published, shall receive, as full compensation therefor, at the rate of one dollar for each printed page of the laws, resolutions, and treaties, as published in the pamphlet form in the manner hereinafter directed. And if it shall appear, on the examination of any account, that there has been any unreasonable delay or intentional omission in the publication of the laws aforesaid, the proper accounting officer of the Treasury is hereby authorized and required to deduct, from such account, such sum as shall be charged therein for the publication of any laws which shall have been so unreasonably delayed or intentionally omitted. And in any such case it shall be the duty of the Secretary of State to discontinue the publication of the laws in the newspaper belonging to such proprietor, and such newspaper shall, in no event, be again authorized, nor shall the proprietor thereof be again employed, to publish the laws of the United States.

SEC. 4. *And be it further enacted*, That the Secretary of State shall cause to be published, at the close of every session of Congress, and as soon as practicable, eleven thousand copies of the acts of Congress at large, including all resolutions passed by Congress, amendments to the Constitution adopted, and all public treaties made and ratified since the then last publication of the laws; which copies shall be printed on paper, and in the size of the sheet and type, in a manner to correspond with the late revised edition of the laws published by Bioren and Co.; which copies shall be distributed in the following manner: To every person who has been President of the United States, one copy to each, during their respective lives, to the present and every future President and Vice President, one copy to each, during their lives; one copy to the actual President and Vice President, to be deemed an appertenant to their offices, respectively; to each member of the Senate and House of Representatives, and to each Delegate in Congress from any Territory, one copy each; twenty copies to the Secretary of the Senate, and fifty copies to the Clerk of the House of Representatives, for the general use of the committees and members of the respective Houses; to the judges and clerks of the supreme and district courts, and the marshal and attorney of each district or section of a district, one copy each; to the Secretaries of State, of the Treasury, of War, and of the Navy, and to each of their chief clerks, one copy each; one copy to the Attorney General, to each of the Comptrollers and Auditors, and to the Register and Treasurer of the United States, and to the Commissioner of the Revenue, and the Commissioner of the General Land Office, and to the Paymaster General, and the Adjutant and Inspector General, and to the Commissary General of Supplies, and the Director of the Mint; one copy to each collector, naval officer, surveyor, and inspector of the customs; to the governors, judges, secretaries, and clerks of the Territories of the United States, one copy each; to the Postmaster General, and each Assistant, one copy; and one copy to each of the surveyors general of the lands of the United States, and to each regis-

ter of a land office; and one copy to each publisher of a newspaper authorized to promulgate the same. The delivery of the said copies shall be under the direction of the Secretary of State, or such officer as he shall, for that purpose, authorize.

SEC. 5. *And be it further enacted*, That three hundred of the said copies shall be annually placed in the Library of Congress; and every member of Congress, and every Delegate, shall be entitled to the use of a copy during the session, and the same shall be returned and accounted for, as may be prescribed by the rules of the Library. And one hundred of the said copies, authorized by this act to be printed, shall be delivered to the Secretary of War, and fifty copies to the Secretary of the Navy, to be by them respectively distributed among such officers of the army and navy as the public service may require. Four hundred copies shall be reserved by the Secretary of State, to be distributed by him, at his discretion, among the public and foreign Ministers and Consuls, and other public agents.

SEC. 6. *And be it further enacted*, That the residue of the said number of copies, authorized to be printed, shall be distributed among the several States and Territories, in proportion to the number of representatives and delegates to which each State and Territory may be entitled in Congress, at the time of such distribution.

SEC. 7. *And be it further enacted*, That, whenever the Secretary of State shall enter into any contract with any person for the publication of the laws, in the pamphlet form, as aforesaid, he shall require at least two good and sufficient sureties for the faithful performance of the contract; and, in every such agreement, it shall always be stipulated that the number of copies hereby authorized to be printed, shall be delivered at the office of the Secretary of State within thirty days after the adjournment of each session of Congress, and that, for every day's delay in such delivery, the person so contracting shall forfeit the sum of one hundred dollars, to be deducted from the compensation to which he otherwise would have been entitled.

SEC. 8. *And be it further enacted*, That all acts, or parts of acts, heretofore passed, which in any manner contravene the provisions of this act, or which may be inconsistent with the same; and all acts or parts of acts, in which are contained any provisions for the publication of the laws, either in a pamphlet form or in newspapers, be, and the same are hereby, repealed: *Provided*, That such repeal shall not be construed to prevent the payment of any compensation that may be due, for the publication of the laws, previous to the promulgation of this act.

SEC. 9. *And be it further enacted*, That whatever sum of money may be necessary to carry into effect this act, besides any specific appropriations for the same objects, that have been, or may be, made, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 20, 1818.

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An Act to provide for erecting additional buildings for the accommodation of the several Executive Departments.

Be it enacted, &c., That the Commissioner of the Public Buildings cause to be erected, under the direction of the President of the United States, two buildings, suitable for offices for the Executive departments, to be placed north of the buildings at present occupied by those departments, and on a line parallel therewith; each of said new buildings to contain forty rooms of convenient size.

Sec. 2. And be it further enacted, That, for the purpose of carrying this act into effect, the sum of one hundred and eighty thousand seven hundred and forty-one dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be expended under the direction of the President of the United States.

Approved, April 20, 1818.

An Act supplementary to the several acts relative to direct taxes and internal duties.

Be it enacted, &c., That the Secretary of the Treasury shall be, and he is hereby, authorized to cause any omissions or defects in the assessment of the direct tax, laid in the years one thousand eight hundred and fifteen and one thousand eight hundred and sixteen, in the fifth collection district of Virginia, to be supplied or corrected by the principal assessor for the said district, in such manner as the said Secretary shall see fit: *Provided,* That the said corrections be made, as nearly as may be under existing circumstances, in conformity with the principles applicable to other collection districts, and that the same, so far as they regard the tax laid in the year one thousand eight hundred and fifteen, shall have reference to the day prescribed by the act of January ninth, one thousand eight hundred and fifteen, and so far as they regard the tax laid in the year one thousand eight hundred and sixteen, shall have reference to the first day of June, one thousand eight hundred and sixteen: *And provided,* That, previous to making such corrections, the said principal assessor shall attend at the courthouse of each county within his district, for at least three days, for the purpose of hearing appeals, of which attendance he shall give thirty days' notice, either by handbills posted up, or in a newspaper printed in each county. The time at which the taxes for the said years shall become due, shall be that on which the tax list shall be delivered to and receipted for by the collector. And to defray the expenses of making said corrections, there is hereby appropriated a sum not exceeding five thousand dollars, to be paid out of any moneys not otherwise appropriated.

Sec. 2. And be it further enacted, That the Secretary of the Treasury be authorized, in case, in his opinion, the public interest require it, to pay for the publications of the collectors of the direct tax, prescribed by the twenty-eighth and twenty-ninth sections of the act of January ninth,

one thousand eight hundred and fifteen, a price that shall not exceed that usually paid by individuals for publications made by their order.

Sec. 3. And be it further enacted, That, in case of the sale of property for direct taxes, laid in the years one thousand eight hundred and thirteen, one thousand eight hundred and fifteen, and one thousand eight hundred and sixteen, belonging to infants, persons of insane mind, married women, or persons beyond sea, its redemption shall be effected at any time within two years after the removal of such disability, or the return to the United States, on paying to the collector of the district, or other officer of the United States on whom his duties may be devolved, as the case may be, the amount paid by the purchaser, together with ten per cent. per annum thereon, and on paying to the purchaser of the land a compensation for all improvements he may have made on the premises subsequent to his purchase, the value of which improvements to be ascertained by three or more neighboring freeholders, to be appointed by the clerk of the district court, who, on actual view of the premises, shall assess the value of such improvements on their oath, and make a return of such valuation to the clerk aforesaid immediately. And the clerk of the court shall receive such compensation for his services herein, to be paid by, and received from, the parties, like costs of suits, as the judge of the district court shall, in that respect, tax and allow.

Sec. 4. And be it further enacted, That the time allowed for the redemption of lands which have been, or may be, sold for the payment of taxes, under the act passed the second day of August, one thousand eight hundred and thirteen, entitled "An act to lay and collect a direct tax within the United States," and purchased on behalf of the United States, be extended three years beyond the time heretofore allowed: *Provided,* That such extension of time shall not be beyond the first of June, one thousand eight hundred and twenty, and that on such redemption interest be paid, at the rate of twenty per centum on the tax, and additions of twenty per centum chargeable thereon; and the right to redeem shall enure as well to persons holding an equitable or reversionary interest in lands so purchased on behalf of the United States, as to the original owners thereof.

Sec. 5. And be it further enacted, That the President of the United States be authorized, whenever he shall consider it expedient, to abolish all the existing offices of collectors of the direct tax and internal duties, in any State or Territory, whereupon the duties remaining to be performed shall be devolved upon such officer of the United States, within such State or Territory, as the President may designate. And whenever, in virtue of this authority, or of that conferred by the act of December twenty-third, one thousand eight hundred and seventeen, entitled "An act to abolish the internal duties," the office of any collector shall be abolished, or its duties transferred, to any other collector, or officer of the United States, it shall be the duty of such collector or

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officer to make deeds for land sold for direct taxes, in the same manner and for the same fees as are provided by law in cases where no such transfer of duties has taken place. And such collector or officer shall give bond for the performance of his duties, in such sum as the Secretary of the Treasury shall prescribe, and shall receive like compensation with that allowed to the present collectors of direct tax and internal duties. In all cases, previous to the making a deed, there shall be delivered to, and filed by, the collector, or other officer authorized to make the same, the receipt for the purchase money paid for the real property sold for any tax. At the expiration of three months after the time allowed for the redemption of property sold for taxes, the collectors or other officers aforesaid, in each State, except the designated collectors, shall make out and lodge with the clerk of the district court distinct statements of the property then unredeemed, sold to individuals, and of the like property purchased in behalf of the United States; which statements shall designate the names of the persons taxed, where resident, the amount of the tax and additions, the description, situation, and quantity, of the property sold for taxes, the name of the owner, or presumed owner, when sold, the name of the purchaser, and the amount paid by the purchaser; and the said collectors or other officers shall likewise pay over, to the said clerk, the moneys received for the purchasers and in their hands, for which statements and moneys the clerk shall give them a receipt. The said clerk shall henceforth have exclusive authority to grant deeds, and to perform all the other duties previously performed by the collector, or other officer aforesaid, in regard to the direct tax: *Provided*, That one-half of the compensation made therefor be for the use of the clerk, and the other half for that of the collector, any law to the contrary notwithstanding. And the same course shall be pursued, in regard to the respective designated collectors, whenever their offices shall be abolished by the President of the United States, in which case the right of redemption that may still remain shall be effected through the said clerks. The clerks of the district courts shall, on the first of January in each year, render to the Secretary of the Treasury distinct statements of their proceedings, in such form as shall be prescribed by him, and shall pay over the moneys received by them for the use of the United States.

SEC. 6. *And be it further enacted*, That an abatement from the amounts of the bonds given for internal duties, at the rate of eight per centum per annum, shall be made on the payment thereof previous to their becoming due.

SEC. 7. *And be it further enacted*, That in all cases in which deeds for property sold for the direct tax imposed in the year one thousand seven hundred and ninety-eight, shall not have been made, or in which defective deeds have been made, deeds may and shall be granted therefor by the marshal of the respective districts in which the property is situate, within two years from the passage of this act, where the right of redemption has expired, and in other cases within two

years after the said right may expire, on the terms, and subject to the conditions, fixed by law: *Provided*, That where new deeds may be made, the same shall only be granted on the delivery of the defective deed to the marshal, who shall cancel the same as soon as the new deed is made, which shall, after reciting at length the defective deed, declare the property to be conveyed to the original grantee, his heirs or representatives, subject to any right or claim thereto that may have accrued subsequent to the date of the defective deed; and said marshal shall receive two dollars for preparing and executing each deed.

SEC. 8. *And be it further enacted*, That in any suit or action which shall be hereafter instituted by the United States against any corporate body, for the recovery of money upon any bill, note, or other security, it shall be lawful to summon, as garnishees, the debtors of such corporation; and it shall be the duty of any person, so summoned, to appear in open court, and depose, in writing, to the amount which he or she was indebted to the said corporation, at the time of the service of the summons, and at the time of making such deposition; and it shall be lawful to enter up judgment in favor of the United States, for the sum admitted by such garnishee to be due to the said corporation, in the same manner as if it had been due and owing to the United States: *Provided*, That no judgment shall be entered against any garnishee, until after judgment shall have been rendered against the corporation defendant to the said action, nor until the sum in which the said garnishee may stand indebted be actually due.

SEC. 9. *And be it further enacted*, That where any person summoned as garnishee, shall depose in open court that he or she is not indebted to such corporation, nor was not, at the time of the service of the summons, it shall be lawful for the United States to tender an issue upon such demand, and if, upon the trial of such issue, a verdict shall be rendered against such garnishee, judgment shall be entered in favor of the United States, pursuant to such verdict, with costs of suit.

SEC. 10. *And be it further enacted*, That if any person summoned as garnishee under the provisions of this act, shall fail to appear at the term of the court to which he has been summoned, he shall be subject to attachment for contempt of the court.

SEC. 11. *And be it further enacted*, That so much of an act passed the thirtieth of April, one thousand eight hundred and sixteen, entitled "An act to allow drawback of duties on spirits distilled and sugar refined within the United States, and for other purposes," as allows a drawback of four cents upon every gallon of spirits distilled from molasses, and a drawback of four cents per pound upon refined sugar exported from the United States, together with all the regulations and provisions of the said act upon the subject of the said drawbacks, shall be deemed, construed, and taken, to be and remain in full force and virtue, any act or acts to the contrary notwithstanding.

Approved, April 20, 1818.

Public Acts of Congress.

An Act to defray the expenses of the Militia when marching to places of rendezvous.

Be it enacted, &c., That the expenses incurred, or to be incurred, by marching the militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been, or may be, incurred in cases of calls made by the authority of any State or Territory, which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President of the United States: *Provided,* That nothing herein contained shall be considered as authorizing any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

Approved, April 20, 1818.

An Act for the relief of Volunteer Mounted Cavalry.

Be it enacted, &c., That every non-commissioned officer, or private, who served in any volunteer corps of cavalry during the late war, and furnished his own horse or horses, while in the public service aforesaid, shall be allowed at the rate of forty cents per day for each horse so furnished, which such officer, non-commissioned officer, or private, was entitled by law to keep in such service. And that when any officer, non-commissioned officer, or private, in the cavalry service aforesaid, having lost the horse or horses which may have been taken by him into the said service, and having received from the United States another horse or horses, in lieu or in part payment for the horse or horses so previously lost as aforesaid, such officer, non-commissioned officer, or private, shall be entitled to receive the allowance of forty cents per day for the use and risk of the horse on which he may have been so remounted.

Approved, April 20, 1818.

An Act to regulate and fix the compensation of Clerks in the different Offices.

Be it enacted, &c., That the Secretary for the Department of State be, and he is hereby, authorized to employ one chief clerk, whose compensation shall not exceed two thousand dollars per annum; two clerks, whose compensation shall not exceed one thousand six hundred dollars each; four clerks, whose compensation shall not exceed one thousand four hundred dollars each; one clerk, whose compensation shall not exceed one thousand dollars; two clerks, whose compensation shall not exceed eight hundred dollars each; one Superintendent of the Patent Office, whose compensation shall not exceed one thousand five hundred dollars, and one clerk in said Patent Office, whose compensation shall not exceed one thousand dollars.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury Department be, and

he is hereby, authorized to employ, for the office of the Treasury Department, one chief clerk, whose compensation shall not exceed two thousand dollars per annum; two clerks, whose compensation shall not exceed one thousand six hundred dollars each; three clerks, whose compensation shall not exceed one thousand four hundred dollars each; and one clerk, whose compensation shall not exceed one thousand dollars. For the office of the first comptroller, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; four clerks, whose compensation shall not exceed one thousand four hundred dollars each; five clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; four clerks, whose compensation shall not exceed one thousand dollars each; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the second comptroller, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; two clerks, whose compensation shall not exceed one thousand four hundred dollars; three clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; one clerk, whose compensation shall not exceed one thousand dollars; and one clerk whose compensation shall not exceed eight hundred dollars. For the office of the first auditor, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; two clerks, whose compensation shall not exceed one thousand four hundred dollars each; six clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; three clerks, whose compensation shall not exceed one thousand dollars; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the second auditor, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; two clerks, whose compensation shall not exceed one thousand four hundred dollars each; six clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; five clerks, whose compensation shall not exceed one thousand dollars each; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the third auditor, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; five clerks, whose compensation shall not exceed one thousand four hundred dollars each; ten clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; six clerks, whose compensation shall not exceed one thousand dollars each; and three clerks, whose compensation shall not exceed eight hundred dollars each. For the office of the fourth auditor, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; two clerks, whose compensation shall not exceed one thousand four hundred dollars each; five clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; four

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clerks, whose compensation shall not exceed one thousand dollars each; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the fifth auditor, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; one clerk, whose compensation shall not exceed one thousand four hundred dollars; four clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; two clerks, whose compensation shall not exceed one thousand dollars each; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the treasurer, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; one clerk, whose compensation shall not exceed one thousand four hundred dollars; one clerk, whose compensation shall not exceed one thousand one hundred and fifty dollars; and one clerk, whose compensation shall not exceed one thousand dollars. For the office of the register, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; four clerks, whose compensation shall not exceed one thousand four hundred dollars each; three clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; six clerks, whose compensation shall not exceed one thousand dollars; and seven clerks, whose compensation shall not exceed eight hundred dollars each. To the office of the commissioner of the land office, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; two clerks, whose compensation shall not exceed one thousand four hundred dollars each; three clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; five clerks, whose compensation shall not exceed one thousand dollars each; and twelve clerks, whose compensation shall not exceed eight hundred dollars each.

SEC. 3. *And be it further enacted*, That the Secretary of the War Department be, and he is hereby, authorized to employ, for the office of the War Department, one chief clerk, whose compensation shall not exceed two thousand dollars per annum; three clerks, whose compensation shall not exceed one thousand six hundred dollars; five clerks, whose compensation shall not exceed one thousand four hundred dollars each; eight clerks, whose compensation shall not exceed one thousand dollars each; and five clerks, whose compensation shall not exceed eight hundred dollars each. For the office of the paymaster general, one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; one clerk, whose compensation shall not exceed one thousand four hundred dollars; two clerks, whose compensation shall not exceed one thousand one hundred and fifty dollars each; three clerks, whose compensation shall not exceed one thousand dollars each; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the adjutant and inspector general, one clerk, whose compensation shall not ex-

ceed one thousand one hundred and fifty dollars; and one clerk whose compensation shall not exceed one thousand dollars. For the office of the ordnance department, one clerk, whose compensation shall not exceed one thousand one hundred and fifty dollars per annum; one clerk, whose compensation shall not exceed one thousand dollars; and one clerk, whose compensation shall not exceed eight hundred dollars. For the office of the superintendent of Indian trade, one clerk, whose compensation shall not exceed one thousand one hundred and fifty dollars per annum; one clerk, whose compensation shall not exceed one thousand dollars; and one clerk, whose compensation shall not exceed eight hundred dollars.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy Department be, and he is hereby, authorized to employ one chief clerk, whose compensation shall not exceed two thousand dollars per annum; one clerk, whose compensation shall not exceed one thousand six hundred dollars; two clerks, whose compensation shall not exceed one thousand four hundred dollars each; one clerk, whose compensation shall not exceed one thousand dollars; and one clerk, whose compensation shall not exceed eight hundred dollars.

SEC. 5. *And be it further enacted*, That the commissioners of the Navy be, and they are hereby, authorized to employ one clerk, whose compensation shall not exceed one thousand six hundred dollars per annum; one clerk, whose compensation shall not exceed one thousand one hundred and fifty dollars; and one clerk, whose compensation shall not exceed eight hundred dollars.

SEC. 6. *And be it further enacted*, That the Attorney General be allowed to employ one clerk whose compensation shall not exceed one thousand dollars per annum.

SEC. 7. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to employ one chief clerk, whose compensation shall not exceed one thousand seven hundred dollars per annum; two clerks, whose compensation shall not exceed one thousand four hundred dollars; five clerks, whose compensation shall not exceed one thousand two hundred dollars each; nine clerks, whose compensation shall not exceed one thousand dollars each; and four clerks, whose compensation shall not exceed eight hundred dollars each.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to employ, in the office of the third auditor, until the first day of January, one thousand eight hundred and twenty, six additional clerks, at a compensation not exceeding one thousand dollars each per annum; and three additional clerks, at a compensation not exceeding eight hundred dollars each; and in the office of the second comptroller, for the same period, two additional clerks, at a compensation not exceeding one thousand dollars per annum each; and one additional clerk, at a compensation not exceeding eight hundred dollars.

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SEC. 9. *And be it further enacted*, That the compensation allowed by this act to clerks, shall commence from and after the thirty-first day of March last. And it shall be the duty of the Secretaries for the Departments of State, Treasury, War, and Navy, of the Commissioners of the Navy, and the Postmaster General, to report to Congress, at the beginning of each year, the names of the clerks they have employed respectively in the preceding year, together with the time each clerk was actually employed during the year, and the sums paid to each; and no higher or other allowance shall be made to any clerk in the said departments and offices than is authorized by this act: And all acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Approved, April 20, 1818.

An Act in addition to the "Act for the punishment of certain crimes against the United States," and to repeal the acts therein mentioned.

Be it enacted, &c., That if any citizen of the United States shall, within the territory or jurisdiction thereof, accept and exercise a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

SEC. 2. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, every person, so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years: *Provided*, That this act shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people, who shall transiently be within the United States, and shall, on board of any vessel of war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince, state, colony, district, or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district, or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district or people.

SEC. 3. *And be it further enacted*, That, if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and

arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming, of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

SEC. 4. *And be it further enacted*, That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming, any private ship, or vessel of war, or privateer, with intent that such ship or vessel shall be employed to cruise, or commit hostilities upon the citizens of the United States, or their property, or shall take the command of, or enter on board of any such ship or vessel, for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person so offending shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years; and the trial for such offence, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

SEC. 5. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, every person so offending shall be deemed guilty of a high misdemeanor, shall be fined not more than one thousand dollars, and be imprisoned not more than one year.

SEC. 6. *And be it further enacted*, That if any person shall, within the territory or jurisdiction

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of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

SEC. 7. *And be it further enacted*, That the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

SEC. 8. *And be it further enacted*, That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as before defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 9. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States, in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

SEC. 10. *And be it further enacted*, That the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof,

shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property, of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 11. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively, authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property, of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act.

SEC. 12. *And be it further enacted*, That the act passed on the fifth day of June, one thousand seven hundred and ninety-four, entitled "An act in addition to the act for the punishment of certain crimes against the United States," continued in force, for a limited time, by the act of the second of March, one thousand seven hundred and ninety-seven, and perpetuated by the act passed on the twenty-fourth of April, one thousand eight hundred, and the act, passed on the fourteenth day of June, one thousand seven hundred and ninety-seven, entitled "An act to prevent citizens of the United States from privateering against nations in amity with, or against the citizens of, the United States," and the act, passed the third day of March, one thousand eight hundred and seventeen, entitled "An act more effectually to preserve the neutral relations of the United States," be, and the same are hereby, severally repealed: *Provided, nevertheless*, That persons having heretofore offended against any of the acts aforesaid, may be prosecuted, convicted, and punished, as if the same were not repealed; and no forfeiture heretofore incurred by a violation of any of the acts aforesaid shall be affected by such repeal.

SEC. 13. *And be it further enacted*, That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by the laws of the United States.

Approved, April 20, 1818.

An Act to continue in force an act, entitled "An act relating to settlers on lands of the United States."

Be it enacted, &c., That an act, entitled "An act relating to settlers on the lands of the United States," passed the twenty-fifth of March, one

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thousand eight hundred and sixteen, be, and the same is hereby, continued in force for one year, from and after the third day of March last.
Approved, April 20, 1818.

An Act in addition to "An Act to prohibit the introduction [importation] of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," and to repeal certain parts of the same.

Be it enacted, &c., That, from and after the passing of this act, it shall not be lawful to import or bring, in any manner whatsoever, into the United States, or Territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of, any such negro, mulatto, or person of color, as a slave, or to be held to service or labor; and any ship, vessel, or other water craft, employed in any importation as aforesaid, shall be liable to seizure, prosecution, and forfeiture, in any district in which it may be found; one-half thereof to the use of the United States, and the other half to the use of him or them who shall prosecute the same to effect.

SEC. 2. *And be it further enacted,* That no citizen or citizens of the United States, or any other person or persons, shall, after the passing of this act, as aforesaid, for himself, themselves, or any other person or persons whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, nor cause any such ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as slaves, or to be held to service or labor; and if any ship or vessel shall be so built, fitted out, equipped, laden, or otherwise prepared, for the purpose aforesaid, every such ship or vessel, her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for said forfeiture, and prosecute the same to effect; and such ship or vessel shall be liable to be seized, prosecuted, and condemned, in any court of the United States having competent jurisdiction.

SEC. 3. *And be it further enacted,* That every person or persons so building, fitting out, equipping, loading, or otherwise preparing, or sending away, or causing any of the acts aforesaid to be done with intent to employ such ship or vessel in such trade or business, after the passing of this act, contrary to the true intent and meaning thereof, or who shall, in anywise, be aiding or abetting therein, shall, severally, on conviction thereof, by due course of law, forfeit and pay a sum not exceeding five hundred dollars, nor less than one thousand dollars, one moiety to the use of the

United States, and the other to the use of the person or persons who shall sue for such forfeiture and prosecute the same to effect, and shall moreover be imprisoned for a term not exceeding seven years, nor less than three years.

SEC. 4. *And be it further enacted,* That if any citizen or citizens of the United States, or other person or persons resident within the jurisdiction of the same, shall, from and after the passing of this act, take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, or from sea, any negro, mulatto, or person of color, not being an inhabitant, nor held to service by the laws of either of the States or Territories of the United States, in any ship, vessel, boat, or other water craft, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, or be aiding or abetting therein, every such person or persons so offending shall, on conviction by due course of law, severally forfeit and pay a sum not exceeding five thousand, nor less than one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same to effect; and, moreover, shall suffer imprisonment for a term not exceeding seven years, nor less than three years; and every ship or vessel, boat, or other water craft, on which such negro, mulatto, or person of color, shall have been taken on board, received, or transported, as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, or shall have been imported therein in the same voyage, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel shall be liable to be seized, prosecuted, and condemned, in any court of the United States having competent jurisdiction.

SEC. 5. *And be it further enacted,* That neither the importer or importers, nor any person or persons claiming from or under him or them, shall hold any right, interest, or title whatsoever, in or to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought into the United States, or the Territories thereof, in violation of the provisions of this act, but the same shall remain subject to any regulations not contravening said provisions, which the legislatures of the several States or Territories may at any time heretofore have made, or hereafter may make, for disposing of any such negro, mulatto, or person of color.

SEC. 6. *And be it further enacted,* That if any person or persons whatsoever shall, from and after the passing of this act, bring within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color, from any foreign kingdom, place, or country, or from sea, or shall hold, sell, or otherwise dispose of, any such negro, mulatto, or person of color, so

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brought in, as a slave, or to be held to service or labor, or be in anywise aiding or abetting therein, every person so offending shall, on conviction thereof by due course of law, forfeit and pay, for every such offence, a sum not exceeding ten thousand, nor less than one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same to effect; and, moreover, shall suffer imprisonment, for a term not exceeding seven years, nor less than three years.

SEC. 7. *And be it further enacted*, That if any person or persons whatsoever shall hold, purchase, sell, or otherwise dispose of, any negro, mulatto, or person of color, for a slave, or to be held to service or labor, who shall have been imported or brought, in any way, from any foreign kingdom, place, or country, or from the dominions of any foreign State immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, from and after the passing of this act, every person so offending, and every person aiding or abetting therein, shall severally forfeit and pay, for every negro, mulatto, or person of color, so held, purchased, sold, or disposed of, one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who may sue for such forfeiture, and prosecute the same to effect, and to stand committed until the said forfeiture be paid: *Provided*, That the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of color, who may be sold or disposed of in virtue of any regulations which have been heretofore, or shall hereafter be, lawfully made by any Legislature of any State or Territory in pursuance of this act and the Constitution of the United States.

SEC. 8. *And be it further enacted*, That in all prosecutions under this act, the defendant or defendants shall be holden to prove that the negro, mulatto, or person of color, which he or they shall be charged with having brought into the United States, or with purchasing, holding, selling, or otherwise disposing of, and which, according to the evidence in such case, the said defendant or defendants shall have brought in aforesaid, or otherwise disposed of, was brought into the United States at least five years previous to the commencement of such prosecution, or was not brought in, holden, purchased, or otherwise disposed of, contrary to the provisions of this act; and in failure thereof, the said defendant or defendants shall be adjudged guilty of the offence of which he or they may stand accused.

SEC. 9. *And be it further enacted*, That any prosecution, information, or action, may be sustained, for any offence under this act, at any time within five years after such offence shall have been committed, any law to the contrary notwithstanding.

SEC. 10. *And be it further enacted*, That the first six sections of the act to which this is in addition, shall be, and the same are hereby, re-

pealed: *Provided*, That all offences committed under the said sections of the act aforesaid, before the passing of this act, shall be prosecuted and punished, and any forfeitures which have been incurred under the same shall be recovered and distributed, as if this act had not been passed.

Approved, April 20, 1818.

An Act to establish and alter certain Post Roads.

Be it enacted, &c., That the post roads hereafter named be discontinued.

In New Hampshire—From Concord, by Loudon, Gilmanton, Middleton, Lewis, Eaton, Conway, and Fryeburg.

In Massachusetts—From Kingston to Halifax.

From Northampton, by Hadley, to Montague.

In Connecticut—From Hartford, by Springfield, to Northampton, Massachusetts.

In Virginia—From Clarksburg, by Lewis Courthouse, to Point Pleasant.

From Clarksburg, by Buchanan, to Beverly.

In Kentucky—From Glasgow to Lebanon, Tennessee.

In Georgia—From Madison to Monticello.

From Montgomery Courthouse, by Blackmore's and Hardin's, to Riceborough.

In Pennsylvania—From Montrose, by Orwell and Warren, to Athens.

From Middletown to York Haven.

In Alabama—From Fort Stoddert to Ford's, on Pearl river.

In Missouri—From St. Louis to St. Charles.

In New York—From Esperanza, by Schoharie Courthouse, to Middleburg.

From Albany, by Spencertown, to Sheffield, Massachusetts.

SEC. 2. *And be it further enacted*, That the following be established post roads:

In Maine—From Augusta, by Belgrade and Dearborn, to Mercer.

From Canaan, by Cornville, Athens, Harmony, Ripley, Dexter, Garland, and Corinth, to Bangor.

From North Yarmouth, by Pownal, Durham, Lisbon, and Litchfield, to Gardiner.

From Alfred, by Sanford and Lebanon, to Shaplaigh.

From Warren, by Thomaston, to Camden.

From Belfast, by Brooks and Jackson, to Dixmont.

From Norridgewalk, by Stark's and Mercer, to New Sharon.

From Bath to Phippsburg.

From Anson, in Somerset county, by New Portland, Freeman, Phillips, Avon, and Strong, to Farmington.

In New Hampshire—From Walpole, by Alstead, to Ackworth.

From Washington, by Newport, to Claremont.

From Concord, by Canterbury, Northfield, Meredith, Moultonborough, Sandwich, Tamworth, on the North road, by Gilman's Mills, Eaton, and Conway, to Fryeburg.

From Amherst, by Goffstown, West Meeting House, Dunbarton, Hopkinton, Concord, Isle

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Hookset, Piscataquay Bridge, and Bedford, to Amherst.

From Fitzwilliam, by Rindge and Ashby, to Townsend.

From Keene, by Swansea, to Richmond.

From Dunstable, by Merrimack, to Piscataquay Bridge, in Bedford.

In Vermont—From Burlington, by Craftsbury and Irasburgh, to Brownington.

From Norwich, by Stafford, Chelsea, Washington, Orange, and Barre, to Montpelier.

From Chester, by Springfield and Cheshire Bridge, to Charleston, New Hampshire.

From Bellows Falls, by Grafton, Windham, and Londonderry, to Peru.

From Guildhall, by Maidstone, Brunswick, Minehead, and Lemington, to Canaan.

From Montpelier, by Waterbury, Waitfield, and Warren, to Hancock.

From Brattleboro', by Newfane, to Townsend.

In Massachusetts—From East Bridgewater, by Halifax, Plympton, and Kingston, to Plymouth.

From Boston, by Malden and South Reading, to Reading.

From Haverhill, by Methuen, to Windham, New Hampshire.

From South Hadley, by Amherst, West Parish, to Sunderland.

From Springfield, by West Springfield and Southampton, to Northampton.

From Northfield to Warwick.

In Connecticut—From Hartford, by East Hartford, East Windsor, Enfield, Long Meadow, Springfield, South Hadley, Hadley, Sunderland, Montague, Northfield, Chesterfield, New Hampshire, Westmoreland, Walpole, Charlestown, Claremont, Cornish, Plainfield, and Lebanon, to Hanover.

In New York—From Hamilton, by Lebanon and Georgetown, to Cooley's Inn, in Otselick, in the county of Chenango.

From Hamilton, by Hartshorn's Tavern, in Lebanon, to Sherburne.

From Utica, by Clinton, Chandler's Store, Augusta, and Madison, to Hamilton village.

From Hampton to Utica.

From Vernon to Scanodao.

From Bloomfield, by Pittsford, to Charlotte.

From Great Barrington, Massachusetts, by West Stockbridge, Canaan, Chatham, and Nasau, to Albany.

From Geneva, by Seneca, Phelps, Farmington, Palmyra, and Perrinton, to Pittsford.

From Batavia to Bergen.

From Batavia to Attica.

From Essex Courthouse, by Bosworth's Tavern, to Chesterfield.

From Denmark, by Leraysville, to Wilna.

From Naples, by Gorham, to Canandaigua.

From Troy to Schenectady, on the turnpike road.

From Rhinebeck, by North East and Amenia, to Sharon.

From West North East to Attleborough.

From Lisle to Caroline.

From Binghamton, by Lisle, to Homer.

From Lenox, by Clockvill, Peterborough, Morris' Flats, and Eaton, to Log City.

From Albany, by Bethlehem, Rensselaerville, Blenheim, to Maryland or Susquehannah Bridge, on the turnpike road.

From Catskill, by Greenville, Broome, Middleburg, Cobleskill, and Sharon, to Cherry Valley.

From Jericho to Musqueto Cove, in Oyster Bay.

From Leicester, by Perry, East Nunda and West Nunda, to Olean or Hamilton Village.

In New Jersey—From Freehold, by Squancum, Manasquan, Tom's river, Cedar creek, and Manahawkin, to Tuckerton.

In Pennsylvania—From Philadelphia to West Chester.

From Quakertown, by Springtown, to Durham.

From Harrisburg, by Cumberland, to York Haven.

From York, by M'Call's Ferry, to Mount Pleasant.

From Carlisle to Newville.

From Columbia to Marietta.

From Tunckhannock, by Springfield, Four Corners, to Montrose.

From Montrose to Binghamton.

From Athens, by the turnpike road, to Ithaca.

From York, by Lower Chanceford, to Bellair.

From Lititz to Emaus.

From Somerset, by Jones' Mills, Mount Pleasant, and Stewart's, to Pittsburg.

From Pittsburg, by Elizabethtown, Freeport, Perryopolis, and Middletown, to Uniontown.

From Beavertown, by Brighton, to Greensburg.

From Beavertown to Butler.

From Butler, by Lawrenceburg, to Kittaning.

From Meadville to Kinsman, Ohio.

From Mount Pleasant, in Wayne county, to Schochocking post office, New York.

In the District of Columbia—From Georgetown, by Captain John's Mill, Seneca Mills, and Barnestown, to New Market.

In Virginia—From Norfolk, by the Falls of Roanoke, Warrenton, North Carolina, Williamsborough, Oxford, Daniel's Store, Red House, and Milton, to Danville, Virginia; from thence, by Jamestown, North Carolina, Germantown, Huntsville, Wilkesborough, and Ashe Courthouse, Elizabethtown, to Jonesborough, Tennessee.

From Danville to the Lead Mines.

From South Quay, by Isle of White Courthouse, to Smithfield.

From Richmond, by the United States' Arsenal and Jefferson, to Cartersville.

From Richmond, along the turnpike, and Three Notched Road, to Milton.

From Fauquier Courthouse, by Thornton's Gap, to New Market.

From Blacksburg, in Montgomery county, by Christiansburg, to Franklin Courthouse.

From New London, by Clayton's Store, Staunton River, Anthony's Ford, Newbill's, and John Smith's, to Pittsylvania Courthouse.

From Lilly Point to Halcyonville.

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From Abington to Russell Courthouse.
 From Clarksburg, by Preston, Bulltown, Salt Works, and Lewis Courthouse, to Charleston.
 From Tyler Courthouse to Sistersville.
 From Preston, by Buckhanon's, to Booth's Ferry.
 From Morgantown, by Crab Orchard, to Kingwood.
 From Kingwood, by the Swamps, Harden's Cove, Gladly Creek, Hunter's Fork, and Leading Creek, to Beverly.
 From Clarksburg, by Booth's Ferry, and Leading Creek, to Beverly.
 From Middleburg, by Rectortown, Oak Hill, along Manassah road, by Front Royal, to Stoverstown.
 From Wheeling, by Alexandria, to Washington, Pennsylvania.
In North Carolina—From Salem to Mount Pizgah.
 From Raleigh, by Delk's and Alston's, to Hillsborough.
 From Mason Hall, by Cannon's Mills and the Shallow Ford, on Haw River, to Greensborough.
 From Snow Hill, by Hookerstown, to Kinston.
 From Currituck Courthouse, to Knot's Island.
 From Currituck Courthouse to Powell's Point.
 From Lewisburg, by William's Store, Ransom's Bridge, and Moon's Store, to Enfield.
 From Duplin Courthouse to Newbern.
In South Carolina—From York Courthouse by Harmony, George Caruth's, and Rutherfordton, to Asheville, North Carolina.
 From Cambridge to Hickory Grove.
 From Andersonville, by Beaver Dam, to Housontonville.
 From Pendleton Courthouse to Socony.
In Georgia—From Milledgeville, by Eatonton, and Garner's Ferry, to Greensborough.
 From Milledgeville to Monticello.
 From Montgomery Courthouse, by Tatnall Courthouse, to Darien.
In Ohio—From Marietta, by Brown's Mills and Oliver's Settlement, to Lancaster.
 From Lancaster, by Royaltown, Circleville, to Washington.
 From Marietta, by Bellepre, Wilkesville, Jackson Courthouse, and Picketown, to West Union.
 From New Salem, by Rumley, New Hagerstown, Leesburgh, New Philadelphia, and Paintville, to Wooster.
 From Columbus, by Mount Vernon, Loundenville, Wooster, and Harrisville, to Granger.
 From Delaware, by Oxford, Florida, and Lexington, to Mansfield.
 From Hamilton, by Jacksonborough, to New Lexington.
 From Coschocton to Newark.
 From Troy to Dark Courthouse.
 From Granville, by Johnstown, Sunbury, and Berkshire, to Worthington.
 From Warren, by Parkman, Burton, and Char-don to Painesville.
 From Warren, by Newton, to Canton, in Starke county.

From Youngstown to Newbedford, Pennsylv-
 vania.
 From Ravenna to Burton.
 From Stow, by Medina Courthouse, to Huron Courthouse.
 From Brookfield to Mercer, Pennsylvania.
 From Marietta, by Toulman's and Lexington, to Woodfield.
 From West Union, by the mouth of Brush Creek and Sandy Spring, to Vanceburgh, in the State of Kentucky.
In Indiana—From Hartford to Rising Sun.
 From Lawrenceburg, by the Rising Sun, to Vevay.
 From Corydon, by Elizabeth and Liconia, to Elizabethtown, Kentucky.
 From Fort Harrison, through Monroe county and Lawrence county, to Brownstown.
 From Peola, by Orleans, to Lawrence Court-house.
 From Salem, by Bono, to Monroe Courthouse.
 From Madison, by Graham's, to Brownstown.
 From Vevay, by Edenborough, Ripley Court-house, to Brookville.
 From Centerville to Jacksonborough.
 From Lexington, by Province's, New Washing-ton, Bethlehem, and New London, to Lexington.
 From Ripley Courthouse, by Vernon, to Browns-town.
 From Jeffersonville to New Albany.
In Missouri Territory—From St. Genevieve to St. Michael.
 From Jackson to Betts's Ferry.
 From St. Genevieve, by Potosi, to Franklin, Howard county.
 From Franklin, Howard county, to Chariton.
 From St. Louis, by Florissant, to St. Charles.
In Kentucky—From Hopkinsville, by Wil-liams's and Boyd's Landing, to Long Creek, Caldwell county.
 From Columbia to Hazle Patch.
 From Danville, by Lancaster, to Somerset.
 From Bowling Green to Sparta.
 From Lewisville, by Woodsonville, Glasgow, Burksville, and Seventy Six, to Monticello.
 From Lewisville to Hardensburgh.
 From Elizabethtown to Bowling Green.
 From Newburgh, by Ewingsville, to Clarkes-ville.
 From Port Royal, by Ewingsville, to Hopkins-ville.
 From Glasgow, by Tompkinsville, to Burksville.
 From Barbourville, by Whitley Courthouse, to Somerset.
 From Flemingsburg, by the mouth of Fleming and Carlisle, to Millersburg.
 From Paris, by North Middleton, to Owensville.
In Tennessee—From Murfreesborough, by Le-banon and Gallatin, to Glasgow, Kentucky.
 From Lebanon, by Trowsdale's Ferry, to Mount Richardson.
 From Lebanon, by Marysville, in Wilson coun-ty, to Liberty.
 From Greenville, by Newport, Dandridge, and Hill's, to Knoxville.

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From Winchester, by Marion Courthouse, to Pikeville.

From Rogersville, by McCann's Store, and Black Water Salt Works, to Lee Courthouse, Virginia.

From Blountville to Papersville, on Sinking Creek.

In Mississippi—From Natchez, by Sweazy's Ferry, Woodville, and Pinkneyville, to St. Francisville, in the State of Louisiana.

In Alabama—From Fort Claiborne, by Fort Montgomery, to Blakely.

From Huntsville, by Milton's Bluff, Falls of Black Warrior, and French Settlement on Black Warrior, to St. Stephens.

From Huntsville to Cotton Port, in Limestone county, by Pulaski, to Columbia, in Tennessee.

From Fort Mitchell, by Fort Bainbridge, Fort Jackson, Burnt Corn Springs, Fort Claiborne, and the town of Jackson, to St. Stephens.

From Fort Jackson, by Cahaba Valley, to the Falls of Black Warrior.

From St. Stephens, by Winchester, to Ford, on Pearl River, in Mississippi.

From Mobile to Blakely.

In Illinois—From Bellville, by William Padfield's and the Seat of Justice of Bond county, to Palmyra, in the Illinois Territory.

From Edwardsville to the Seat of Justice of Bond county.

From Kaskaskia, by Wideman's, on Kaskaskia river, to Bellville, St. Clair county.

Approved, April 20, 1818.

An Act to increase the salaries of the Judges of the Circuit Court for the District of Columbia.

Be it enacted, &c., That, in addition to the compensation heretofore allowed by law to the judges of the circuit court for the District of Columbia, the sum of five hundred dollars per annum be paid to the chief justice of the said court, and the same sum per annum to each of the assistant judges of said court, payable quarter yearly; the first quarterly payment to be made on the first day of April, one thousand eight hundred and eighteen.

Approved, April 20, 1818.

An Act making appropriations for the public buildings, and for furnishing the Capitol and President's house.

Be it enacted, &c., That there be appropriated, for the completion of the wings of the Capitol, in addition to the sum of two hundred thousand dollars already appropriated, the further sum of eighty thousand dollars.

For procuring materials, laying the foundation, and other preparations, for the centre building of the Capitol, one hundred thousand dollars.

For finishing the President's house, fifteen thousand two hundred and fourteen dollars.

For offices to the President's house, seven thousand dollars.

For the wall north of the President's house, with gates and iron railing the width of the house, three thousand five hundred and eighteen dollars.

For contingencies, four hundred and thirty-seven dollars.

For graduating and improving the President's square, ten thousand dollars.

For erecting a temporary building for committee rooms near the Capitol, three thousand six hundred and thirty-four dollars.

For furnishing the Representative chamber and committee rooms, thirty thousand dollars.

For furnishing the Senate chamber and committee rooms, twenty thousand dollars.

For furnishing the President's house, twenty thousand dollars.

For making good a deficiency in the appropriation of the past year for furnishing the President's house, ten thousand dollars.

Which said several sums of money, hereby appropriated, shall be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. And be it further enacted, That the sum hereby appropriated for furnishing the Representative chamber, shall be expended under the direction of the Speaker of the House of Representatives; that for the Senate, under the direction of the Vice President of the United States; and the remaining sums under the direction of the President of the United States.

Approved, April 20, 1818.

An Act to increase the duties on certain manufactured articles imported into the United States.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and eighteen, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease; and that, in lieu thereof, there shall be thenceforth laid, levied, and collected, upon the said articles, at their importation, the several and respective rates or duties following, that is to say: on articles manufactured from copper, or of which copper is the material of chief value, twenty-five per centum ad valorem; on silver-plated saddlery, coach and harness furniture, twenty-five per centum ad valorem; on cut glass, thirty per centum ad valorem; on tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents on every thousand thereof; and on tacks, brads, and sprigs, exceeding sixteen ounces to the thousand, the same duty as on nails; brown Russia sheetings, not exceeding fifty-two archines in each piece, one dollar and sixty cents per piece; white Russia sheetings, not exceeding fifty-two archines in each piece, two dollars and fifty cents per piece.

Sec. 2. And be it further enacted, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandise, which, after the said thirtieth day of June, one thousand eight hundred and eighteen, shall be imported in ships or vessels not of the United States: *Provided,* That this additional duty shall not apply to goods, wares, and merchandise, imported in ships or vessels not of the United States,

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entitled by treaty, or by any act or acts of Congress, to be entered in the ports of the United States, on the payment of the same duties as are paid on goods, wares, and merchandise, imported in ships or vessels of the United States.

SEC. 3. *And be it further enacted*, That there shall be allowed a drawback of the duties, by this act imposed, on goods, wares, and merchandise, imported into the United States, upon the exportation thereof within the time, and in the manner, prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed on the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, on goods, wares, and merchandise, imported into the United States; and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures; and for the allowance of the drawbacks by this act authorized, as fully and effectually as if every regulation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the existing laws contained, had been inserted in, and re-enacted by this act. And that all acts, and parts of acts, which are contrary to this act, shall be, and the same are hereby, repealed.

Approved, April 20, 1818.

An Act to increase the pay of the militia while in actual service, and for other purposes.

Be it enacted, &c., That the monthly pay of the militia, which have been called into the service of the United States since the first day of September, eighteen hundred and seventeen, or which hereafter may be called into the said service, in prosecuting the war against the Seminole tribe of Indians, shall be the highest allowed by law to the militia in the service of the United States, during the late war with Great Britain.

SEC. 2. *And be it further enacted*, That the widows and orphans of the militia who have been called into the service of the United States since the said first day of September, eighteen hundred and seventeen, or who hereafter may be called into the said service, in prosecuting said war, and who may have died or been killed, or hereafter may die or be killed, in such service, shall be entitled to the same half pay, for five years, and pensions allowed by the laws now in force, to the widows and orphans of the militia who died or were killed in the service of the United States during the late war with Great Britain.

Approved, April 20, 1818.

An Act respecting the organization of the Army, and for other purposes.

Be it enacted, &c., That hereafter the company officers of the corps of artillery shall consist of one captain, two first lieutenants, and two second lieutenants; and in the corps of light artillery the company officers shall consist of one captain,

one first lieutenant, and two second lieutenants; and one of the second lieutenants in each company shall act as a conductor of artillery, as in the case of the corps of artillery, whose duty it shall be to receipt and account for all ammunition, implements, and cannon; and for the performance of these services they shall be allowed, each ten dollars extra per month.

SEC. 2. *And be it further enacted*, That to each regiment of infantry, riflemen, and to each battalion of the corps of artillery, and to the regiment of light artillery, there shall be attached one armorer, with the pay and emoluments allowed to armorers employed by the ordnance department.

SEC. 3. *And be it further enacted*, That, in all cases during the late war, where an officer or soldier has been delayed the receipt of his pay, and emoluments, or any part thereof, by having been transferred from one corps to another, or omitted to be returned on the muster roll, pay roll, or receipt roll, or from any other cause whatever, upon a satisfactory evidence of the justice of such claim, the same shall be adjusted and paid.

Approved, April 20, 1818.

An Act to increase the duties on iron in bars and bolts, iron in pigs, castings, nails, and alum.

Be it enacted, &c., That, from and after the thirtieth day of June one thousand eight hundred and eighteen, the duties now by law levied, collected, and paid, on iron in pigs, iron castings, nails, on iron in bars and bolts, excepting iron manufactured by rolling, and on alum, imported into the United States, shall cease and determine; and there shall be levied, collected, and paid, in lieu thereof, the several and specific duties hereinafter mentioned, that is to say: on iron in pigs, fifty cents per hundred weight; on iron castings, seventy-five cents per hundred weight; on nails, four cents per pound; on spikes, three cents per pound; on iron in bars and bolts, manufactured without rolling, seventy-five cents per hundred weight; on anchors, two cents per pound; and on alum, two dollars per hundred weight.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed upon the several goods, wares, and merchandise, aforesaid, which, after the said thirtieth day of June, one thousand eight hundred and eighteen, shall be imported in ships or vessels of the United States: *Provided*, That this additional duty shall not apply to such goods, wares, and merchandise, imported in ships or vessels not of the United States, entitled by treaty, or by any act or acts of Congress, to be entered in the ports of the United States, on the payment of the same duties as are paid on goods, wares, and merchandise, imported in ships or vessels of the United States. *

SEC. 3. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed on goods, wares, and merchandise,

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imported into the United States, upon the exportation thereof within the time, and in the manner prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed on the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act on goods, wares, and merchandise, imported into the United States, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the existing laws contained, had been inserted in, and re-enacted by, this act.

Approved, April 20, 1818.

An Act fixing the compensation of Indian Agents and Factors.

Be it enacted, &c., That, from and after the passage of this act, Indian agents and factors shall receive the following salaries per annum, in lieu of their present compensation, to wit:

The agent to the Creek nation, one thousand eight hundred dollars.

The agent to the Choctaws, one thousand eight hundred dollars.

The agent to the Cherokees on the Tennessee river, one thousand three hundred dollars.

The agent to the Cherokees on the Arkansas river, one thousand five hundred dollars.

The agent to the Chickasaws, one thousand three hundred dollars.

The agent in the Illinois Territory, one thousand three hundred dollars.

The agent at Prairie du Chien, one thousand two hundred dollars.

The agent at Natchitoches, one thousand two hundred dollars.

The agent at Chicago, one thousand three hundred dollars.

The agent at Green Bay, one thousand three hundred dollars.

The agent at Mackinac, one thousand four hundred dollars.

The agent at Vincennes, one thousand two hundred dollars.

The agent at Fort Wayne and Piqua, one thousand two hundred dollars.

The agent to the Lakes, one thousand three hundred dollars.

The agent in the Missouri Territory, one thousand two hundred dollars.

And all sub-agents, five hundred dollars per annum.

SEC. 2. *And be it further enacted*, That all factors shall receive one thousand three hundred dollars, and assistant factors seven hundred dollars, per annum.

SEC. 3. *And be it further enacted*, That the sums hereby allowed to Indian agents and factors shall be in full compensation for their services; and

that all rations, or other allowances, made to them, shall be deducted from the sums hereby allowed.

Approved, April 20, 1818.

An Act to continue in force, from and after the thirtieth of June, one thousand eight hundred and nineteen, until the thirtieth of June, one thousand eight hundred and twenty-six, the fourth paragraph of the first section of the act, entitled "An act to regulate the duties on imports and tonnage."

Be it enacted, &c., That the fourth paragraph of the first section of the act, entitled "An act to regulate the duties on imports and tonnage," passed the twenty-seventh of April, one thousand eight hundred and sixteen, shall, from and after the thirtieth of June, one thousand eight hundred and nineteen, continue to operate in the same manner, and to have the same effect, until the thirtieth of June, one thousand eight hundred and twenty-six, that the above-mentioned fourth paragraph now has, and will continue to have, until the thirtieth of June, one thousand eight hundred and nineteen, any law to the contrary notwithstanding.

Approved, April 20, 1818.

An Act to divide the State of Pennsylvania into two Judicial Districts.

Be it enacted, &c., That the State of Pennsylvania be, and the same is hereby, divided into two districts, in manner following, to wit: the counties of Fayette, Greene, Washington, Alleghany, Westmoreland, Somerset, Bedford, Huntingdon, Centre, Mifflin, Clearfield, McKean, Potter, Jefferson, Cambria, Indiana, Armstrong, Butler, Beaver, Mercer, Crawford, Venango, Erie, and Warren, shall compose one district, to be called the Western district; and the residue of the said State shall compose another district, to be called the Eastern district; and the terms of the district court for the said Eastern district shall be held in the city of Philadelphia, at the several times they are now directed to be held in said district of Pennsylvania; and the terms of the circuit court for the Western district shall commence and be held in the city of Pittsburg on the first Mondays of the months of June and December, in each and every year, and be continued and adjourned, from time to time, as the court may deem expedient for the despatch of the business thereof.

SEC. 2. *And be it further enacted*, That Richard Peters, now judge of the district court of Pennsylvania, shall be, and he is hereby, assigned as the judge to hold the courts in the Eastern district, and to do all things appertaining to the office of a district judge, under the Constitution and laws of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint a district judge for the said Western district of Pennsylvania; which judge, when appointed, shall receive

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a salary of one thousand six hundred dollars per annum, to be paid in the same manner as the salary of the judge of the Eastern district of said State; and he shall also do and perform all such duties as are enjoined on, or in anywise appertaining to, a district judge of the United States.

SEC. 4. *And be it further enacted*, That the circuit court of the United States shall be held, for the Eastern district of Pennsylvania, at the city of Philadelphia, at the times, and in the manner, now directed by law to be held for the district of Pennsylvania; and the district court for the said Western district, in addition to the ordinary jurisdiction and powers of a district court, shall, within the limits of the said Western district, have jurisdiction of all causes, except of appeals and writs of error, cognizable by law in a circuit court, and shall proceed therein in the same manner as a circuit court; and writs of error shall lie from decisions therein to the circuit court in the said Eastern district of Pennsylvania, in the same manner as from other district courts to their respective circuit courts.

SEC. 5. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is, authorized to appoint one person as district attorney, and one person as marshal, for the said Western district, whose terms of appointment and service, as well as duties and emoluments, shall be the same with those respectively annexed to the said offices in the Eastern district. And the district attorney and the marshal for the district of Pennsylvania shall, respectively, be district attorney and marshal for the said Eastern district.

SEC. 6. *And be it further enacted*, That all actions, suits, process, pleadings, and other proceedings, of a civil nature, except in cases of appeals and writs of error, commenced or pending in the district or circuit court of said district of Pennsylvania, in which no verdict shall have passed, or plea to the merits shall have been decided, and which by law should have been had or commenced in said district court of said Western district, if the same had been had or commenced before the passing thereof, and where the parties to the same shall not otherwise agree, shall be, and hereby are, continued over to the district court of the Western district established by this act, and shall there be proceeded in with like effect, and in the same manner, as if originally had or commenced therein. And the said district and circuit courts of said Eastern district shall possess and exercise all necessary powers for the removal of all papers and files relating to such actions, suits, process, pleadings, and other proceedings, to the said district court of said Western district, so continued over as aforesaid: *Provided*, That nothing herein contained shall be construed to affect any bond or recognizance made or entered into in any of the actions or suits hereby directed to be removed; but the same shall continue of as much validity as though this act had not passed.

Approved, April 20, 1818.

An Act supplementary to the several acts making appropriations for the year one thousand eight hundred and eighteen.

Be it enacted, &c., That the following sums be, and they are hereby, respectively appropriated, and shall be paid out of any money in the Treasury not otherwise appropriated.

For the payment of balances due several States, on an adjustment of their accounts, for expenses incurred by calling out the militia during the late war, six hundred thousand dollars.

Towards erecting barracks at Baton Rouge, forty thousand dollars.

For carrying into effect the treaty with the Cherokee Indians, eighty thousand dollars.

For defraying the expenses of holding Indian treaties in the year one thousand eight hundred and eighteen, fifty-three thousand dollars.

For arrearages in the Indian department, thirty-five thousand dollars.

For additional pay to the militia, fifty thousand dollars.

For expenses of mounted volunteers, ninety thousand dollars.

For pensions for one thousand eight hundred and eighteen, in addition to the sum already appropriated for that purpose, fifty thousand dollars.

For pensions to officers and soldiers of the Revolutionary army, under the act of the eighteenth of March last, three hundred thousand dollars.

For deficiency in the appropriation for clerk hire, in the office of the Department of War, for the year one thousand eight hundred and seventeen, eight hundred dollars.

For rent of offices for the above department, for the year one thousand eight hundred and seventeen, five hundred dollars.

For office rent for the above department, for one thousand eight hundred and eighteen, one thousand dollars.

For additional clerk hire, a sum not exceeding fifty thousand dollars.

Approved, April 20, 1818.

An Act concerning tonnage and discriminating duties, in certain cases.

Be it enacted, &c., That so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby repealed, so far as respects vessels truly and wholly belonging to the subjects of the King of the Netherlands; such repeal to take effect from the time the Government aforesaid abolished the discriminating duties between her own vessels and the vessels of the United States arriving in the ports or places aforesaid.

SEC. 2. *And be it further enacted*, That so much of the several acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty between goods imported into the United States in

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foreign vessels and vessels of the United States, be, and the same is hereby, repealed, so far as the same respects the produce or manufactures of the territories, in Europe, of the King of the Netherlands, or such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the kingdom aforesaid, the same being imported in vessels truly and wholly belonging to subjects of the King of the Netherlands; such repeal to take effect from the time the Government aforesaid abolished its discriminating duties between goods, wares, and merchandise, imported in vessels of the United States and vessels belonging to the nation aforesaid.

Approved, April 20, 1818.

An Act authorizing a subscription for the Statistical Annals of Adam Seybert, and the purchase of Pitkin's Commercial Statistics.

Be it enacted, &c., That the Secretary for the Department of State be, and he is hereby, authorized and directed to subscribe for, and receive, for the use and disposal of Congress, five hundred copies of the Statistical Annals proposed to be published by Adam Seybert, of Philadelphia; and that he also be directed to purchase, for the purpose aforesaid, two hundred and fifty copies of Pitkin's Commercial Statistics of the United States.

SEC. 2. And be it further enacted, That the sum or sums of money necessary to defray the cost of the subscription and purchase aforesaid, shall not exceed the sum of five thousand seven hundred and fifty dollars; and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 20, 1818.

An Act making the port of Bath, in Massachusetts, a port of entry for ships and vessels arriving from the Cape of Good Hope, and from places beyond the same; and for establishing a collection district, whereof Belfast shall be the port of entry.

Be it enacted, &c., That the port of Bath, in the State of Massachusetts, be, and hereby is, made a port of entry for ships or vessels arriving from the Cape of Good Hope and from places beyond the same.

SEC. 2. And be it further enacted, That a collection district be, and hereby is, established in the State of Massachusetts, which shall include all the ports and harbors on the western shore of the Penobscot bay and river, from the town of Camden to the town of Bangor, both inclusive; and a collector shall be appointed for the district, to reside at Belfast, which shall be the only port of entry for said district.

Approved, April 20, 1818.

An Act to authorize the Secretary of the Treasury to repay or remit certain alien duties therein described.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause

to be paid or remitted all alien or discriminating duties, either upon tonnage or merchandise imported, in respect to all British vessels which have been entered in ports of the United States, at any time between the third day of July, inclusive, and the eighteenth day of August, one thousand eight hundred and fifteen, which have been paid, or secured to be paid, contrary to the provisions of the convention regulating commerce between the territories of the United States and of His Britannic Majesty, bearing date the third day of July, eighteen hundred and fifteen: *Provided,* That this act shall not take effect until a similar provision shall be made by the Government of Great Britain, in favor of American vessels, in regard to duties on tonnage and merchandise entered in the British European ports during the same period.

Approved, April 20, 1818.

An Act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile.

Be it enacted, &c., That the President of the United States shall have power, and he is hereby authorized, whenever, in his opinion, it shall be consistent with the public interest, to abandon the use of the navy arsenal, military hospital, and barracks, in the city of New Orleans, and of Fort Charlotte, at the town of Mobile; to cause the lots of ground whereon the said arsenal, hospital, and barracks, in New Orleans, and Fort Charlotte, at Mobile, now stand, to be surveyed and laid off into lots, with suitable streets and avenues, conforming, as near as may be, to the original plan of the city and town aforesaid; and, when the surveys are completed, one plat thereof shall be returned to the Secretary of the Treasury, and another to such officer or agent as the President shall have authorized to dispose of the said lots; and the said lots of ground shall be offered at public sale at the city of New Orleans and town of Mobile, respectively, on such day or days as the President shall, by his proclamation, designate for that purpose, in the same manner, and on the same conditions and terms of credit, as is provided by law for the sale of public lands of the United States, and patents shall be granted therefor as for other public lands sold by the United States.

SEC. 2. And be it further enacted, That the President of the United States is hereby authorized, as soon as in his opinion the public interest will permit, to cause the Fort of St. Charles to be demolished, and the navy yard in said city to be discontinued; and the lot of ground on which the said fort is erected shall be appropriated to the use of a public square, and may be improved for that purpose by order of the corporation of the said city.

Approved, April 20, 1818.

An Act for changing the compensation of Receivers and Registers of the Land Offices.

Be it enacted, &c., That, instead of the compensation now allowed by law to the receivers of

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public moneys for the lands of the United States, they shall receive an annual salary of five hundred dollars each, and a commission of one per centum on the moneys received, as a compensation for clerk hire, receiving, safe-keeping, and transmitting, such moneys to the Treasury of the United States: *Provided, always,* That the whole amount which any receiver of public moneys shall receive, under the provisions of this act, shall not exceed, for any one year, the sum of three thousand dollars.

SEC. 2. *And be it further enacted,* That, instead of the compensation now allowed by law to the registers of the land offices, they shall receive an annual salary of five hundred dollars each, and a commission of one per centum on all the moneys expressed in the receipts by them filed and entered, and of which they shall have transmitted an account to the Secretary of the Treasury: *Provided, always,* That the whole amount which any register of the land offices shall receive, under the provisions of this act, shall not exceed, for any one year, the sum of three thousand dollars.

Approved, April 20, 1818.

✓An Act for transferring the claims in the office of the Commissioner to the Third Auditor of the Treasury Department.

Be it enacted, &c., That all claims under the act, entitled "An act to authorize the payment of property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed the ninth of April, one thousand eight hundred and sixteen, and the act in amendment thereof, passed the third of March, one thousand eight hundred and seventeen, now remaining in the office of the Commissioner of Claims, and not acted on finally by said commissioner before the ninth of April, one thousand eight hundred and eighteen, be, and the same are hereby, transferred to the office of the Third Auditor of the Treasury Department; and the said third auditor, in all adjudications upon the claims aforesaid, shall be governed, in all respects, by the same rules, regulations, and restrictions, as have heretofore been prescribed to the Commissioner of Claims under the above recited acts.

SEC. 2. *And be it further enacted,* That the Third Auditor aforesaid, for performing the duties hereby required of him, shall be allowed and paid the sum of five hundred dollars, out of any money in the Treasury not otherwise appropriated.

Approved, April 20, 1818.

An Act respecting the surveying and sale of the public lands in the Alabama Territory.

Be it enacted, &c., That the powers and duties of the surveyor for the lands in the northern part of the late Mississippi Territory, shall extend to the whole of the Alabama Territory, and that only. And it shall be his duty to cause such of

the said lands, to which the Indian title has been, or shall hereafter be, extinguished, as the President of the United States shall direct, to be surveyed and divided in the same manner, and under the same regulations, as are provided by law in relation to other public lands. And the said surveyor shall receive for his services, hereafter, an annual compensation of two thousand dollars, and shall be allowed not exceeding two clerks, whose whole compensation shall not exceed fifteen hundred dollars per annum.

SEC. 2. *And be it further enacted,* That in every public sale hereafter to be made of public lands, in the Territory of Alabama, there shall, in addition to the usual reservation of section sixteen, in each township, for the support of schools, be excepted from the sales of such sections, not exceeding ten in any one land district, as the President of the United States shall have designated, for the purpose of laying out and establishing towns thereon; which sections, so designated and reserved, for the purpose aforesaid, shall be laid off into lots, and offered for sale, in the manner, and on the terms and conditions, and with the same limitation as to price, as is prescribed, for the laying off and sale of lots, by the fifth section of the act, entitled "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," passed on the third of March, one thousand eight hundred and seventeen. And there shall be reserved from sale, in the Alabama Territory, an entire township, which shall be located by the Secretary of the Treasury, for the support of a seminary of learning within the said Territory; and also, any one entire section, which may be located under the direction of the Governor of the said Territory, for the seat of Government therein.

SEC. 3. *And be it further enacted,* That all the lands lying between the basis meridian, and the first standard meridian, in the Alabama district, be attached to the land district east of Pearl river. And the lands so attached to the said district, east of Pearl river, after having been surveyed according to law, shall with the exception of section number sixteen in each township, which shall be reserved for the support of the schools therein, and with the further exception of such reservations as may be made in pursuance of the second section of this act, shall be offered for sale to the highest bidder, under the direction of the register of the land office, and the receiver of public moneys, at the place where the land office is kept, and on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose: the sale shall remain open two weeks and no longer. The lands shall not be sold for less than two dollars an acre, and shall, in every other respect, be sold in tracts of the same size, and on the same terms and conditions, as have been, or may be, provided for lands sold in the same district. All the lands offered for sale, and remaining unsold at the close of the said public sales, may be disposed

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of at private sale, by the register of the land office, in the same manner, and on the same terms and conditions, as are or may be provided for the sale of other lands in the same district; and patents shall be granted in the same manner, and on the same terms, as for other lands in the said district.

Approved, April 20, 1818.

An Act to alter and amend an act, approved the third day of March, one thousand eight hundred and seventeen, entitled "An act to establish a separate Territorial government for the eastern part of the Mississippi Territory."

Be it enacted, &c., That the judicial power of the judges of the Alabama Territory, appointed, or hereafter to be appointed, under the authority of the Government of the United States, shall extend as well to any other county or counties which have been, or may be, formed within the limits of said Territory, as to those which are specially mentioned and named in the act, entitled "An act to establish a separate territorial government for the eastern part of the Mississippi Territory," approved March the third, one thousand eight hundred and seventeen. And that in such county or counties, superior courts shall be holden by said judges in the like manner, and with the like powers and jurisdiction, as the superior courts are now directed by law to be holden in the counties specially mentioned, as aforesaid, in the act aforesaid. And the powers of the general court of the said Territory shall extend to all cases of admiralty and maritime jurisdiction: And their judgments or decrees in such cases shall be subject to appeals to the Supreme Court of the United States, in like manner, and upon the like terms, as appeals in similar cases are allowed and prosecuted from the judgments or decrees of the circuit courts of the United States.

SEC. 2. *And be it further enacted,* That the Legislature of the said Territory shall have power to appoint, change, and regulate, the times and places of holding the superior courts in each of the counties of said Territory, and also to prescribe the number of terms to be holden in each county: *Provided,* They do not exceed two annually.

SEC. 3. *And be it further enacted,* That so much of the said act, approved March the third, one thousand eight hundred and seventeen, as provides "that no judge shall sit more than twice in succession in the same court," be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted,* That the Secretary of the said Territory, judges, members of the Legislative Council, members of the House of Representatives, justices of the peace, and all other officers, civil and military, who may not have taken an oath of office, shall, before they enter on the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States, and for the faithful discharge of the duties of their office; which oath or affirmation shall be taken before

the Governor of the said Territory, or such person as he shall appoint and direct.

Approved, April 20, 1818.

An Act to adjust the claims to lots in the town of Vincennes, and for the sale of the land appropriated as a common for the use of the inhabitants of the said town.

Be it enacted, &c., That the trustees of the town of Vincennes shall have power, and they are hereby authorized, to examine and adjust all claims to lots in the town of Vincennes; and if, upon an accurate survey, it shall be found that there are lots within the precincts of the town to which no individual claims can be substantiated, the same are hereby granted to the inhabitants thereof, to be sold by the trustees, and the money arising from the sale to be applied to such public purposes as may be agreed upon by a majority of the citizens. And the said trustees are hereby empowered, in all cases, when they shall confirm claims to lots, to give deeds to the claimants for the same.

SEC. 2. *And be it further enacted,* That the trustees of the town of Vincennes shall have power, and they are hereby authorized, to dispose of a tract of land containing about five thousand four hundred acres, which, by the fifth section of the act, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions," passed on the third day of March, one thousand seven hundred and ninety-one, was appropriated as a common, to the use of the inhabitants of the said town; the said tract shall be divided into lots, as the trustees shall direct, of not more than fifty, nor less than the quantity of five, acres, and shall be sold in the manner, and on the terms, which may by them be deemed most expedient and advantageous. They shall also have power to convey, by complete title, the lots sold to the purchasers; and the proceeds of the lands so disposed of, or so much thereof as may be necessary for the purpose, shall be applied, under the direction of the said trustees, to the draining of a pond in the vicinity of the town; and the residue of the money arising from the said sales, if any there shall be, shall be paid over to the trustees of the Vincennes University, and shall, by them, be applied to the benefit of the said university.

SEC. 3. *And be it further enacted,* That the said trustees, when they shall have performed the duties assigned to them under this act, shall make a report thereof to Congress.

Approved, April 20, 1818.

An Act providing for the deposit of wines and distilled spirits in public warehouses, and for other purposes.

Be it enacted, &c., That it shall be lawful for any importer of wines or distilled spirits, which may be imported into the United States at any time after the first day of June next, at his option,

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to be determined at the time of making entry therefor, either to secure the duties thereon, on the same terms and stipulations as on other goods, wares, and merchandise, imported, or to give his bond, in double the amount of the duties thereupon, with condition for the payment of the said duties, in twelve calendar months from the date of such bond; which bond shall be accepted by such collector, without surety, upon the terms following, viz: the wines or distilled spirits, for the duties whereof such bond shall be accepted, shall be deposited at the expense and risk of the importer, in such public or other storehouses as may be agreed upon between the importer and the surveyor, or officer of inspection of the revenue, for the port where the said wines or spirits shall be landed: and such wines or spirits shall be kept under the joint locks of the inspector and the importer; but no delivery shall be made of such wines or spirits without a permit in writing, under the hand of the collector and naval officer of the port.

SEC. 2. *And be it further enacted*, That no permit shall be given for the removal of the wines or spirits deposited under the provisions of the foregoing section, unless the duties upon the wines or spirits, for which it shall be required, be first paid or secured, in the manner following, viz: the importer, or his assignee, shall give bond, with one or more surety or sureties, to the satisfaction of the collector, in double the amount of the duties, upon the wines or spirits in each case to be delivered, with condition for the payment of the said duties, at the same credits, to be computed from the date of the permit, as would have been allowed on bonds for the same articles, if they had not been deposited under the provisions of this act: *Provided*, That the time to be allowed for the payment of the duties upon any wines or spirits so delivered, or for any part of such duties, shall not be such as to extend the credit beyond the term of twelve calendar months, originally allowed, upon depositing such wines and spirits.

SEC. 3. *And be it further enacted*, That if the duties on any wines or spirits, deposited under the provisions of this act, shall not have been paid, or secured to be paid, in the manner described in the foregoing section, within the term of twelve calendar months from the time of their importation, it shall be the duty of the collector to cause so much of such wines or spirits, as may be necessary, to be sold at public auction, and, retaining the sum necessary for the payment of the duties which have not been secured or paid, together with the expenses of safekeeping and sale of such wines or spirits, shall return the overplus, if any, to the owner, or to his agent or lawful representative; and the amount of each bond, taken for the duties on wines or spirits delivered, after being deposited, as directed by this act, shall be endorsed immediately on the original bond given by the importer, specifying the articles delivered and the date of the delivery.

SEC. 4. *And be it further enacted*, That no drawback shall be allowed of the duties paid on

any wines or spirits, which shall be imported into the United States, after the first day of June next, unless such wines or spirits shall have been deposited in public or other stores, under the provisions of this act, and there kept, from their landing to their shipment.

SEC. 5. *And be it further enacted*, That if any wines or other spirits deposited under the provisions of this act, shall be embezzled, or fraudulently hid or removed, from any store or place wherein they shall have been deposited, they shall be forfeited, and the person or persons so embezzling, hiding, or removing, the same, or aiding or assisting therein, shall be liable to the same pains and penalties as if such wines or spirits had been fraudulently unshipped or landed without payment of duty.

SEC. 6. *And be it further enacted*, That, from and after the first day of June next, the bonds for duties on articles imported by sea, the produce of foreign places or islands, situated on the eastern shores of America, north of the equator, or in its adjacent seas, bays, and gulfs, salt excepted, shall be payable, one half in six and one half in nine calendar months; and the bonds for duties on goods, wares, and merchandise, (other than wine, salt, and teas,) imported from any other place than Europe and the West Indies, shall be payable, one third in eight, one third in ten, and one third in eighteen calendar months.

Approved, April 20, 1818.

An Act to incorporate the Columbian Institute, for the promotion of arts and sciences.

Be it enacted, &c., That Edward Cutbush, Andrew Hunter, Thomas Law, Joseph Anderson, Robert Brent, Overton Carr, Nathaniel Cutting, Elias B. Caldwell, John Law, Roger C. Weightman, William Thornton, Josiah Meigs, James H. Blake, Samuel H. Smith, and others, composing the association in the District of Columbia denominated the Columbian Institute, for the promotion of arts and sciences, and their successors, duly elected in the manner hereinafter mentioned, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the Columbian Institute, for the promotion of arts and sciences.

SEC. 2. *And be it further enacted*, That all and singular the goods, chattels, and effects, heretofore given, granted, or devised, to the said Columbian Institute, for the promotion of arts and sciences, or to any person or persons for the use thereof, or that may have been purchased for, or on account of the same, be, and the said goods, chattels, and effects, are hereby vested in and confirmed to the said corporation hereby created; and the said corporation are hereby authorized and empowered to take and receive any sum or sums of money, or any goods, chattels, or effects, of any kind or nature whatsoever, which shall or may hereafter be given, granted, or bequeathed unto the said corporation, by any person or persons, bodies politic or corporate, capable of making such gift or bequest: *Provided, always*, That

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such money, goods, chattels, or effects, be laid out or disposed of for the use and benefit of the said corporation, according to the intention of the donors.

SEC. 3. *And be it further enacted*, That the said corporation, hereby created, shall have full power and authority to fill all vacancies which may happen in their number; to make, ordain, establish, and execute such by-laws and ordinances as may be deemed useful to the institution, and the same to alter, amend, and abrogate at pleasure; to make, have, and use a common seal, and the same to break, alter, and renew at will; to appoint such officers as may be required for the management of the concerns of said corporation, and to assign them their duties; and, generally, to provide for the transaction of all business appertaining to the said corporation: *Provided*, That no by-law, rule, or ordinance, of the said corporation, shall be made repugnant to the laws of the District of Columbia.

SEC. 4. *And be it further enacted*, That the said corporation may procure, by purchase or otherwise, a suitable building for the sittings of the said institution, and for the preservation and safekeeping of a library and museum; and also a tract or parcel of land for a botanic garden, not exceeding five acres: *Provided*, That the amount of real and personal property to be held by the said corporation shall not exceed one hundred thousand dollars.

SEC. 5. *And be it further enacted*, That there shall be an annual meeting of the members of the said corporation, at such time and place as the proper officers of the said corporation may appoint, of which due notice shall be given in one or more of the newspapers published in the District of Columbia; at which time and place the members present shall elect or choose, by ballot, the officers of the institution, to serve for one year ensuing their election, and until others shall be elected and consent to serve in their places.

SEC. 6. *And be it further enacted*, That the said corporation shall not be engaged in any banking or commercial operations; and the continuance of this charter shall be limited to twenty years from and after the passage of this act, unless sooner revoked by Congress.

Approved, April 20, 1818.

PROCLAMATION.

By the President of the United States of America.

Whereas, by an act of the Lieutenant Governor, Council, and Assembly, of His Britannic Majesty's province of Nova Scotia, passed in the year one thousand eight hundred and sixteen, it was, among other things, enacted, that, from and after the first day of May, of that year, "no plaster of Paris, otherwise called gypsum, which should be laden or put on board any ship or vessel at any port or place within the limits of the

said province, to be transported from thence to any other port or place within or without the said limits, should, directly or indirectly, be unladen or landed, or put on shore, at any port or place in the United States of America eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American ship, vessel, boat, or shallop, of any description, at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such ship or vessel from which any such plaster of Paris, or gypsum, should be unladen contrary to the provisions of the said act, together with her boats, tackle, apparel, and furniture, to be seized and prosecuted in manner thereafter mentioned:"

And whereas, by an act of the Congress of the United States, passed on the third day of March, one thousand eight hundred and seventeen, it was enacted, that, from and after the fourth day of July, then next, no plaster of Paris, the production of any country, or its dependencies, from which the vessels of the United States were not permitted to bring the same article, should be imported into the United States in any foreign vessel; and that all plaster of Paris imported, or attempted to be imported into the United States, contrary to the true intent and meaning of the said act of Congress, and the vessel in which the same might be imported, or attempted to be imported, together with the cargo, tackle, apparel, and furniture, should be forfeited to the United States, and liable to be seized, prosecuted, and condemned in the manner therein described:

And whereas, by the said act of Congress it was further enacted, that the same should continue and be in force five years, from the thirty-first day of January, one thousand eight hundred and seventeen: *Provided, nevertheless*, That if any foreign nation, or its dependencies, which, at the time of the passage of the said act of Congress, had in force regulations on the subject of the trade in plaster of Paris, prohibiting the exportation thereof to certain ports of the United States, should discontinue such regulations, the President of the United States was thereby authorized to declare that fact by his proclamation; the restrictions imposed by the said act of Congress should, from the date of such proclamation, cease and be discontinued in relation to the nation or its dependencies discontinuing such regulations:

And whereas, an act of the Lieutenant Governor, Council, and Assembly, of His Britannic Majesty's province of Nova Scotia, repealing the abovementioned act of the said province, passed in the year one thousand eight hundred and sixteen, has been officially communicated by his said Majesty's Envoy Extraordinary and Minister Plenipotentiary to this Government:

And whereas, by the said repealing act of the said province of Nova Scotia, one of the dependencies of the United Kingdom of Great Britain and Ireland, the regulations of the time of the passage of the said act of Congress, in force in the said province on the subject of the trade in plaster of Paris, prohibiting the exportation there-

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of to certain ports of the United States, have been and are discontinued:

Now, therefore, I, James Monroe, President of the United States of America, do, by this, my proclamation, declare that fact, and that the restrictions imposed by the said act of Congress do, from the date hereof, cease, and are discontinued, in relation to His Britannic Majesty's said province of Nova Scotia.

Given under my hand, at the City of Washington, this twenty-third day of April, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-second year of the independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

RESOLUTIONS.

Resolution for the admission of the State of Mississippi into the Union.

Whereas, in pursuance of an act of Congress passed on the first day of March, one thousand eight hundred and seventeen, entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, the people of the said Territory did, on the fifteenth day of August, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity to the principles of the articles of compact between the original States and the people and States in the Territory northwest of the river Ohio, passed on the thirteenth day of July, one thousand seven and hundred seventy-seven:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Mississippi shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Approved, December 10, 1817.

Resolution authorizing the distribution of certain Public Documents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State cause to be distributed one set of State papers and public documents, printed by T. B. Wait and Sons, in pursuance of acts of Congress heretofore passed, to the President of the United States; one set to the Vice President of the Uni-

ted States; one set to each of the Heads of Departments, to the Attorney General of the United States, to each of the Senators and Representatives, and to each Delegate of Territories, of the Fifteenth Congress; one set to each branch of the Legislature of each State or Territory, and one to each of the Executives of the several States and Territories; one set to each University and College in the United States; six sets to the Secretary of the Senate, for the use of the Senate, and eighteen sets to the Clerk of the House of Representatives, for the use of that House; and the residue of the sets of the State papers and documents aforesaid shall be deposited in the Library of Congress.

Approved, December 23, 1817.

A Resolution directing the distribution of certain laws among the Members and Delegates of Territories of the Fifteenth Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be directed to distribute copies of the laws of the United States, published by Bioren & Co., among the Members and Delegates of Territories, of the present Congress, who may not have received the same in pursuance of any former act or resolution of Congress.

Approved, December 23, 1817.

Resolution directing the procurement of certain laws.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, of the laws passed at the first and second sessions of the Fourteenth Congress, remaining in the office of the Secretary of State, thirty copies be by him deposited in the office of the Clerk of the House of Representatives, and fifteen copies in the office of the Secretary of the Senate, for the use of their members, respectively.

Approved, January 22, 1818.

Resolution relative to the distribution of the late edition of the Land Laws.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the copies of laws prepared and printed under the authority of the act, entitled "An act to authorize a new edition of the collection of laws respecting the public lands," shall be distributed in the manner following, that is to say: one copy shall be delivered to the President of the United States, the Vice President, and to each member of the Senate, House of Representatives, and Delegate from Territories; fifteen copies shall be delivered to the Secretary of the Senate, and thirty copies to the Clerk of the House of Representatives, for the use of said Houses, respectively; one copy shall be delivered to each of the Judges of the

Resolutions.

Supreme Court and clerk thereof, to each of the judges of the district courts, and to each of the clerks, marshals, and attorneys, of each district; one copy shall be delivered to the Secretary of State, to the Secretary of the Treasury, to the Secretary of War, to the Secretary of the Navy, the Attorney General, to the Director of the Mint, to the first and second Comptrollers of the Treasury, to the first, second, third, fourth, and fifth Auditors, and Register of the Treasury; to the Treasurer; to the Postmaster General, and the two Assistant Postmasters General, and to the Commissioner of the General Land Office; two copies shall be delivered to the Legislatures of the several States and Territories, respectively; and one copy shall be delivered to each of the Governors of the several States and Territories; and one copy shall be delivered to each of the judges of the courts of the several Territories; one copy shall be delivered to the Surveyor General of the United States, the surveyor of the lands of the United States south of Tennessee, to the surveyor of the public lands in the northern part of the late Mississippi Territory, and the surveyor of the public lands in the Territories of Illinois and Missouri; to each of the principal deputy surveyors one copy; there shall be delivered one copy to each of the registers and receivers of public moneys in the land offices established, or that may hereafter be established, in the several States and Territories; and fifty copies shall be placed in the hands of the Secretary of the Treasury, to be distributed among the officers and clerks in his department, as he may think proper; two hundred and fifty copies shall be placed in the library, and remain there under the same regulations as the other laws of the United States; and the remainder shall be placed in the library, and each member of Congress hereafter elected shall, so long as any remain, exclusive of the two hundred and fifty copies beforementioned, be entitled to one copy at the commencement of that session of Congress next succeeding his election.

Approved, March 9, 1818.

Resolution directing the Judges of the Supreme Court to be furnished with Wait's State Papers.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State cause to be distributed one set of State Papers and Public Documents, printed by T. B. Wait and Sons, in pursuance of acts of Congress heretofore passed, to the Chief Justice, and to each of the Judges of the Supreme Court of the United States.

Approved, March 18, 1818.

Resolution authorizing the transportation of certain documents free of postage.

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the Members of Congress, the Delegates from Territories, the Secretary of the Senate, and Clerk of the House of Representatives be, and they are hereby, authorized to transmit, free of postage, the Message of the President of the United States, of the fourteenth day of March, one thousand eight hundred and eighteen, and the documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post office within the United States and the Territories thereof.

Approved, March 19, 1818.

Resolution directing the publication and distribution of the Journal and Proceedings of the Convention which formed the present Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Journals of the Convention which formed the present Constitution of the United States, now remaining in the office of the Secretary of State, and all acts and proceedings of that Convention, which are in the possession of the Government of the United States, together with the secret journals of the acts and proceedings, and the foreign correspondence of the Congress of the United States, from the first meeting thereof down to the date of the ratification of the definitive Treaty of Peace between Great Britain and the United States, in the year seventeen hundred and eighty-three, except such parts of the said foreign correspondence as the President of the United States may deem it improper at this time to publish. And, that one thousand copies thereof be printed, of which, one copy shall be furnished to each member of the present Congress, and the residue shall remain subject to the future disposition of Congress.

Approved, March 27, 1818.

Resolution directing the distribution of the laws of the Fourteenth Congress among the Members of the Fifteenth Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and Clerk of the House of Representatives be directed to procure from the Secretary of State as many copies of the laws of the Fourteenth Congress as shall be necessary, and to distribute one copy thereof to each Senator, Representative, and Delegate from the Territories, of the Fifteenth Congress who have not been supplied therewith.

Approved, March 27, 1818.

Resolution directing the Secretary of State for the Department of State to prepare an Index to the Acts and Resolutions of Congress, after the close of every session.

Resolved by the Senate and House of Repre-

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representatives of the United States of America in Congress assembled, That, after the close of each session of Congress, an alphabetical index of the acts and joint resolutions passed at the preceding session shall be prepared, printed, and distributed, therewith, under the direction of the Secretary for the Department of State.

Approved, April 3, 1818.

Resolution requesting the President of the United States to present a Sword to Colonel Richard M. Johnson.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present to Colonel Richard M. Johnson a sword, as a testimony of the high sense entertained by Congress of the daring and distinguished valor displayed by himself and the regiment of volunteers under his command, in charging, and essentially contributing to vanquish, the combined British and Indian forces under Major General Proctor, on the Thames, in Upper Canada, on the fifth day of October, one thousand eight hundred and thirteen.

Approved, April 4, 1818.

Resolution directing Medals to be struck, and, together with the thanks of Congress, presented to Major General Harrison, and Governor Shelby; and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Major General William Henry Harrison, and Isaac Shelby, late Governor of Kentucky, and, through them, to the officers and men under their command, for

their gallantry and good conduct in defeating the combined British and Indian forces under Major General Proctor, on the Thames, in Upper Canada, on the fifth day of October, one thousand eight hundred and thirteen, capturing the British army, with their baggage, camp-equipage, and artillery; and that the President of the United States be requested to cause two gold medals to be struck, emblematical of this triumph, and presented to General Harrison, and Isaac Shelby, late Governor of Kentucky.

Approved, April 4, 1818.

Resolution directing the completion of the survey of the waters of the Chesapeake Bay, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, requested to cause to be resumed and completed, the surveys heretofore commenced, preparatory to the establishment of two naval arsenals; and that, to the naval officers employed in this service, officers of the corps of engineers be joined, with instructions to prepare plans of the fortifications necessary to be erected for the defence of such arsenals, with an estimate of the expense of erecting the same. And, that the President be further requested to cause such a survey of the Chesapeake Bay to be made, as may be requisite to ascertain what points are necessary to be fortified for the protection of the commerce of said bay; and a report of the same, with a plan of the works necessary to be erected, with an estimate of the expense of the same, to be made to Congress in the first week of their next session.

Approved, April 20, 1818.

RESOLUTION AND ACTS

Relative to the occupation of the Floridas by the United States of America.

RESOLUTION.

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign Power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, de-

clare that the said territory shall, in their hands, remain subject to future negotiation.

Approved, January 15, 1811.

An Act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to take possession of, and occupy, all or any part of the territory lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, in case an arrangement has been, or

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shall be, made with the local authority of the said territory for delivering up the possession of the same, or any part thereof, to the United States, or in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government; and he may, for the purpose of taking possession, and occupying the territory aforesaid, and in order to maintain therein the authority of the United States, employ any part of the army and navy of the United States which he may deem necessary.

SEC. 2. *And be it further enacted* That one hundred thousand dollars be appropriated, for defraying such expenses as the President may deem necessary for obtaining possession as aforesaid, and the security of the said territory, to be applied under the direction of the President, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That, in case possession of the territory aforesaid shall be obtained by the United States, as aforesaid, that until other provision be made by Congress, the President be, and he is hereby, authorized to establish, within the territory aforesaid, a temporary government, and the military, civil, and judicial powers thereof shall be vested in such person and persons, and be exercised in such manner, as he may direct, for the protection and maintenance of the inhabitants of the said territory in the full enjoyment of their liberty, property, and religion.—Approved, January 15, 1811.

An Act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes, and the declaration accompanying the same.

Be it enacted, &c., That this act, and the act

passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes," and the declaration accompanying the same, be not printed or published, until the end of the next session of Congress, unless directed by the President of the United States, any law or usage to the contrary notwithstanding.

Approved, March 3, 1811.

An Act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido.

Be it enacted, &c., That the President be, and he is hereby, authorized to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States.

SEC. 2. *And be it further enacted*, That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

SEC. 3. *And be it further enacted*, That, for defraying the necessary expenses, twenty thousand dollars are hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied, for the purposes aforesaid, under the direction of the President.

Approved, February 12, 1813.